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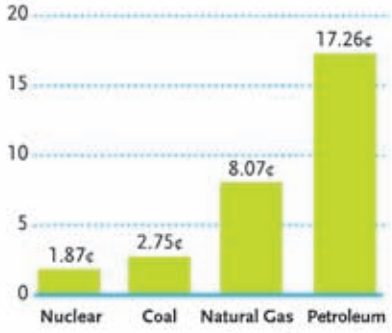

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THE NEW REPUBLIC

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Standard Bearer

As any education wonk, school board member, or exasperated parent could tell you, there is no shortage of obstacles to fixing our country's grossly inadequate public schools. But, for years, one of the most stubborn barriers to progress has been the highly localized nature of American education—namely, the fact that, unlike in numerous countries with top-notch schools, each state sets its own standards for what students should learn. In recent decades, different factions have had their own reasons for working to preserve this illogical arrangement. Conservatives deployed their usual ideological objections to all things federal, and they especially worried that national education standards would give Washington an excuse to force liberal ideas on students. Meanwhile, on the left, teachers' unions feared that national standards would mean (gasp) more accountability and less autonomy for educators.

Thanks in part to this left-right alliance, attempts to formulate common standards died in their inchoate phases under both George H.W. Bush and Bill Clinton. And even the No Child Left Behind Act (NCLB) of 2001—the most ambitious federal attempt ever to hold failing schools accountable—left the question of what, exactly, students should be learning up to individual states.

The results have been depressing. Not wanting their schools to be labeled as failing, many states have watered down their standards—a trend that Secretary of Education Arne Duncan has correctly called "a race to the bottom." Expectations for students are therefore often embarrassingly low. Consider that, last year, 86 percent of New York eighth-graders were proficient in math based on the state's exam—but only 34 percent were proficient according to the National Assessment of Educational Progress, which is given to students nationwide. A system that could produce that kind of statistical gap is clearly one in need of reform.

At a time when a good chunk of the electorate—and one of our two major political parties—is in thrall to an eighteenth-century view of the federal government, you might think that the odds of this situation improving are miniscule. Yet that is exactly what seems to be happening. And here's the most surprising thing: The movement to create national standards isn't coming from Washington; it's coming from the states themselves.

Last week, the National Governors Association and the Council of Chief State School Officers released a draft of rigorous common standards. These benchmarks would not be enforced by the federal government; rather, they would be voluntarily adopted by the states. An impressive 48 states participated in drafting the standards. (The predictable holdouts? Texas and Alaska.) Already, several have pledged to adopt them. And the National Association of State Boards of Education expects that half of the states will sign on by the end of the year.

Meanwhile, President Obama has thrown his support behind the project. The administration wants to require states to adopt common standards in order to qualify for Title I grants (which go to high-poverty schools). It has also given an advantage in the selection process for Race to the Top (a competitive grant program created by last year's stimulus package) to states that adopt common standards. And it has pledged $350 million toward developing assessments based on new standards. More surprisingly, teachers' unions have changed their tune: Both the American Federation of Teachers and National Education Association were quick to praise the recently proposed benchmarks.

This standards fervor is nothing short of a seismic shift in education policy. In part, credit goes to standards advocates, who have done a good job of making their case in recent years. The enticements offered by the Obama administration have helped, too. But students' consistently low performance on national and international tests, as well as high dropout rates, have probably been the most important factor in forcing educators and policymakers to see the light. When expectations are low, they now seem to realize, students won't succeed.

The timing of all this is especially welcome because Obama has just announced his ambitious plan for overhauling NCLB. Like the original law, Obama's revision would require that there be standards for evaluating the performance of schools. (Though, wisely, Obama's version calls for schools to be evaluated based on more than test scores: Student attendance, classroom environment, and other measures would be added to the mix.) The problem, of course, is that merely mandating the existence of standards isn't all that worthwhile if those standards are wildly different from state to state. Now, thankfully, it appears this will no longer be the case.

To be sure, the old problems in education policy have not gone away. While supporting common standards, teachers' unions are already griping about Obama's NCLB revision, saying the new law is unfair to educators. And Representative John Kline, the ranking Republican on the House Education and Labor Committee, has said Obama's proposal represents "a heavier federal hand than many of us wish to see." Meanwhile, Texas isn't just bucking common standards; it appears set to revise its history curriculum to ignore Thomas Jefferson but promote the achievements of figures like Jefferson Davis and Phyllis Schlafly.

So the impulse toward a senseless regionalism in education remains alive and well, as does the reluctance of teachers' unions to accept enhanced accountability for their members. Still, you have to give the country's governors and school officials, as well as the Obama administration, kudos for recognizing—and acting on—the principle that a kid in Arizona ought to have the same educational opportunities as a kid in Massachusetts. Maybe our politics aren't completely stuck in the eighteenth century after all. ◆

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Lawyer Up

Liz Cheney: Guilty 'til proven innocent.

JONATHAN CHAIT

Earlier this month, the conservative organization Keep America Safe launched a p.r. fusillade against Department of Justice (DOJ) attorneys who represented Guantánamo detainees. "The crux of the matter," says Liz Cheney, chair of the organization, "is the American people have a right to know whether lawyers who used to represent and advocate on behalf of terrorists" are working at DOJ. They just want to know who the terrorist lawyers *are*. An innocent question, to be sure.

Bill Kristol, a board member for Keep America Safe, chimes in that another question is "whether former pro bono lawyers for terrorists should be working on detainee policy for the Justice Department." Perhaps the terrorist lawyers should have more harmless roles—say, advocating for low-income tenants over at HUD.

The important claim here is not the stated argument that terrorist lawyers should be publicly revealed, or that they shouldn't be working for the DOJ. It's the assumption that they are representing terrorists. The assumption permeates conservative rhetoric on issues of torture and detainee rights. Consider some brief passages from a recent column by former Bush speechwriter Marc Thiessen:

> Unless they have been charged before military commissions or civilian courts, the **al-Qaeda terrorists** held at Guantánamo do not have a right to counsel under the Sixth Amendment. They are not accused criminals. **They are enemy combatants** held in a war authorized by Congress. . . . Yet thanks to the habeas campaign, **al-Qaeda terrorists** who violate the laws of war now enjoy all these privileges. . . . [The DOJ lawyers] have reached outside the judicial system and dragged **the terrorists** in. . . . The same is true if they choose to devote their time to freeing **America's terrorist enemies** from lawful confinement under the laws of war [emphasis added].

Thiessen makes explicit the position that the rhetoric about "terrorist lawyers" is meant to imply—namely, that terrorists should not have lawyers at all.

TRB
From Washington

The conclusion flows naturally when you begin by defining the defendants as "terrorists." The truth, though, is that a good number of these "terrorists" are not terrorists at all. One CIA intelligence analyst well-versed in Islamic extremism who interviewed detainees at Guantánamo determined that one-third had no connection to terrorism at all. A subsequent study by Seton Hall University Law School found that over half of the detainees were not determined to have committed any hostile act against the United States, and only 8 percent were characterized as Al Qaeda fighters.

The vast majority of the detainees were turned in not by U.S. forces but by Pakistani or Afghan locals, many of whom received financial bounties. And some of the detainees were hardly caught red-handed on the battlefield. The process for screening detainees was "horrible," a former Pentagon official told McClatchy newspapers. "'Captured with weapon near the Pakistan border?' Are you kidding me?" This, of course, is why lawyers were needed in the first place.

The strongest conservative argument against providing legal counsel to military detainees relies upon precedent. "In the 234 years since [John] Adams and his compatriots fought for our independence," writes Thiessen, "the United States has held millions of enemy combatants—and not one had ever filed a successful habeas corpus petition until the habeas campaign on behalf of Guantánamo detainees began."

Maybe the U.S. government has never previously granted such due process to captured enemy combatants. This is because, as Republicans point out ad nauseam in other contexts, this war is unlike previous wars. The enemy wears no uniform, obeys no international conventions of warfare, and so on. We didn't need to provide habeas corpus rights during World War II because, when we captured a man in a German army uniform, we could be pretty confident that he was actually a German soldier, not some hapless goatherd sold into our custody by a jealous village rival.

The reality that numerous detainees were not a threat to the United States is one of those inconvenient facts that the conservative movement has sealed out of its information loop. You could spend days reading right-wing commentary without coming across any suggestion that the clients of these lawyers were anything but "terrorists." In fact, this attitude simply carried over from the Bush administration itself. In her book, *The Dark Side,* Jane Mayer recounts how Bush administration officials came across disturbing evidence that the Guantánamo prison held perhaps 200 innocent people. But, when they brought the information to the West Wing, David Addington, Dick Cheney's legal counsel, said, "No, there will be no review. The President has determined that they are ALL enemy combatants. We are not going to revisit it!"

From this premise, it's not such a leap to conclude that the lawyers representing the detainees must actually sympathize with terrorists. The charge that the Department of Justice employs actual Al Qaeda sympathizers has received a wide hearing in respectable forums. *Wall Street Journal* editorial writer Dorothy Rabinowitz repeatedly insinuated as much ("Can you really say that this was done without political sympathy?") during a recent televised discussion. *National Review*'s Andy McCarthy avers that "many of the attorneys who volunteered their services to al Qaeda were, in fact, pro-Qaeda or, at the very least, pro-Islamist."

The proprietors of these charges see themselves as victims of a double standard. "You can say or do anything when it comes to the Bush lawyers who defended America *against* the terrorists," complains Thiessen, "but if you publish an Internet ad or ask legitimate questions about Obama administration lawyers who defended America's terrorist enemies, you are engaged in a McCarthyite witch hunt."

Imagine! The liberals will call you a McCarthyite merely because you're accusing an opposing presidential administration of harboring conscious supporters of a totalitarian movement aimed at destroying America, and you conflate support for basic civil rights with opposition to the defense of democracy, and among your chief spokesmen is an unhinged paranoid named "McCarthy." Have these liberal accusers no decency? At long last, have they no decency? ◆

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Contents

April 8, 2010

The Editors **1** **STANDARD BEARER** *A big fix for American education finally arrives.*

TRB

Jonathan Chait **2** **LAWYER UP** *Liz Cheney: Guilty 'til proven innocent.*

THE MALL

David Roth **5** *Meet Glenn Beck's shrink.*

Jeffrey Rosen **6** *In John Roberts, Obama finds the perfect enemy.*

Jonathan Cohn **8** *My Facebook friend and the liberal dilemma.*

Noam Scheiber **10** *Will Europe tank the world economy?*

Martin Peretz **12** *Why is Obama so upset with Israel?*

FEATURES

James Mann **14** **BEHOLD CHINA**
Repressive at home. Aggressive abroad. Driving Obama nuts.

Michelle Cottle **19** **THE SHERIFF** *The semiotics of Janet Napolitano.*

BOOKS AND THE ARTS

Stanley Kauffmann **22** **FILMS FROM ITALY** *Mussolini's family; in Rome, four old women star.*

Jed Perl **23** **ART GLORIOUS MISFITS** *Major museum retrospectives are now shedding light on the misunderstood careers of three modernist pioneers—Joaquín Torres-García, Arshile Gorky, and Anne Truitt—who kept breaking the modern stereotypes.*

Justin Driver **28** **BOOKS WHY LAW SHOULD LEAD** ***The Will of the People: How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution*** *by Barry Friedman*

Emily Wilson **32** **BOOKS STOICISM AND US** ***Marcus Aurelius: A Life*** *by Frank McLynn;* ***A Guide to the Good Life: The Ancient Art of Stoic Joy*** *by William B. Irvine*

Alfred Corn **34** **POEM SELF-RELIANCE**

Simon Blackburn **36** **BOOKS BEING AND TIME** ***History Man: The Life of R. G. Collingwood*** *by Fred Inglis*

Rachel Hadas **38** **POEM THE GOLDEN ROAD**

WASHINGTON DIARIST

Leon Wieseltier **40** **MEAN STREETS**

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The Mall

Right Mind

Meet Glenn Beck's shrink.

It's roughly two weeks shy of the September 12 march on Washington, and Glenn Beck is distraught. Behind him on the cavernous Fox News set is Beck's familiar dry-erase board, upon which various insults are written in Beck's looping print. "This is what people have said about me just this week … the blogs and everything else," Beck says, before proceeding to tick off a few: hysterical, cult leader, shameless opportunist. There's a quaver in Beck's voice and a familiar dewiness in his eyes when the host finally sits down next to Dr. Keith Ablow, a psychiatrist and Fox News contributor with a gleaming Lex Luthor pate. How, Beck asks Ablow, should he respond to ravings like these?

Ablow's answer to Beck is immediate and emphatic, delivered with crisp hand gestures and a faint but noticeable New England accent. Think of your critics as drug addicts, Ablow suggests, before changing gears and exhorting Beck to be strong. "We need leaders to be willing to say, 'You know what, I'll take the pain.'" Ablow's arms briefly go cruciform. Beck nods. "And you gotta know who your friends are," Ablow continues before adding, softly, "and I'm one of your friends." Beck's murmured, emotional "thank you" arrives moments later.

Beck then pivots toward the camera, bright of eye and apparently rejuvenated. He proclaims that "some things are worth standing up for" before thanking Ablow and charging into the commercial break. For Ablow, the in-house psychiatrist at Fox News, it has been another successful session.

Fox News is awash in experts like Ablow: retired judges, generals, or CIA agents willing to serve as well-credentialed sidekicks for the network's roster of demagogues. But what makes Ablow so valuable to the network are those two little letters after his name, M.D. He can stamp his medical imprimatur—he's "America's psychiatrist," according to himself—on just about any right-wing political narrative.

Dr. Keith Ablow perfectly suits Glenn Beck's touchy-feely style.

Need someone to racialize the president's insufficient display of emotion after the Fort Hood killings? Here's Ablow on Beck's program: "The things that apparently move him and lead to his core really being tapped are when people he feels are being wronged and there is either a minority group or disadvantaged group that he feels should be elevated. … This was a big, big window on the man's soul." Need a prescription for a strike on Iran? Here's Ablow on his Fox News health blog comparing Ahmadinejad to people in the locked ward of Massachusetts's Lemuel Shattuck Hospital: "Psychiatric patients at the brink of violence are not comforted by nor dissuaded from that violence, by quiet speech or bargaining. They are comforted by a show of force." Or how about a board-certified bit of advice on the administration's decision to try Khalid Sheikh Mohammed in New York? "[T]he entire population of Manhattan and the cities immediately surrounding it can be expected to experience symptoms consistent with the reawakening of the terror of September 11. … They may experience low mood, insomnia, flashbacks, or nightmares."

In hindsight, it was only a matter of time before Ablow and Fox found each other. Though he mostly played it straight early in his career—a degree from the Johns Hopkins School of Medicine, a grant from the American Association for the Advancement of Science, bylines in *The Washington Post* and *Newsweek*—there were always signs that he was a different kind of psychiatrist. In a profession that has valued gray areas since Sigmund Freud defined neurosis as "the inability to tolerate ambiguity," Ablow—like any good conservative culture warrior—believes in the Truth, capital T. For Ablow, Truth is both his singular objective and the center of his personal brand. His 2007 self-help book is titled *Living the Truth*, as is the website for the online self-help community he created around it, and he uses the word with a frequency most people reserve for personal pronouns.

David Cowles

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"People who think there is no such thing as objective Truth are just running from it," Ablow says. It's a line pulled straight out of Bill Bennett's anti-relativist playbook. It's also a TV producer's dream. Ablow's supreme confidence in his ability to ascertain the Truth in matters big and small, and on a timetable owing more to the 24-hour news cycle than psychoanalysis, allows him to riff on just about any subject quickly and confidently. Take his explanation of Octomom to Bill O'Reilly ("I think what she wants is unlimited love") or his analysis of reality starlet Heidi Montag's freaky plastic surgery overhaul ("She's really suffering—that's also the breeding ground for heroin, for alcohol and every other addiction").

"If I seem to say things with certainty, it comes from being able to register underlying truths that I feel very clearly about," he says. "I don't accept that these ideas have to be relegated to analysts' couches or therapists' basement offices. That's the stuff of stigma."

In response, what he's seemingly chosen to do is insta-diagnose *everyone*, one high-profile media hit at a time. He's been known to appear on Tyra Banks's talk show, Howard Stern's radio show, and the pages of *Good Housekeeping*. He's also a contributing editor to *Men's Fitness*, a frequent expert witness at splashy criminal trials, and the author of six thrillers starring forensic psychiatrist Frank Clevenger.

But, befitting someone who wants psychiatry to reach as many people as possible, he knows television is where he needs to be. His first attempt to break into the medium didn't take: "Expert Witness," a 2003 dramatic pilot Ablow wrote that would've been a vehicle for Matthew Modine, wasn't picked up by CBS. He tried again with "The Dr. Keith Ablow Show," which premiered in 2006 and featured him speed-analyzing guests before a studio audience of 150. The syndicated show was canceled after one season, but Ablow's on-camera skills made an influential fan in Fox News chief Roger Ailes. "All I can say is [he] never asked me whether I was a conservative or liberal before hiring me," Ablow tells me. "No one at Fox has ever suggested I advance one political philosophy or another on psychological grounds."

Was Ailes in danger of hiring a liberal, then? "My politics are basically the politics of reality," Ablow says.

In Glenn Beck, Ablow has found the perfect benefactor and a remarkably compelling patient, too. Glenn Beck's show, despite its apocalyptic trappings, is as touchy-feely a show as there is. Nobody on cable news cries as much, emotes as extravagantly, or leans as heavily on the vocabulary of personal betterment. In fact, it's hard to imagine another talk-show host more in need of a resident mental-health professional. But Ablow needs Beck, too. He can appear off-kilter, leaden even, around Fox's other hosts, particularly O'Reilly, whose ostentatiously working-class shtick demands that he approach psychiatric evaluation as something for over-educated sissies.

Beck, on the other hand, welcomes it. He refers to Ablow as "a friend of mine … a world-renowned psychiatrist, a reasonable, reasonable man." Ablow returns the favor by appearing congenitally unable to disagree with Beck, his affirming coos of "that's exactly right, Glenn" often overlapping with the end of Beck's questions.

Take a representative exchange from last summer, around the time of Obama's beer summit with Sergeant James Crowley and Henry Louis Gates. Beck, plaintive as can be, asks Ablow a question like, "Keith, am—am I jumping the gun here? I just see this ACORN thing and also the thing at the White House as a sign [Obama] has real issues with race, real issues." Ablow pooh-poohs Beck's concerns before offering his medical opinion, "Unfortunately—and I really mean it, Glenn—unfortunately, I have to agree with you. I don't think you're jumping the gun." They then go back and forth a couple times, each exchange growing increasingly manic, until stuff like this starts coming out of Ablow's mouth: "The president needs to look at himself and say, 'Do I have prejudice that I wasn't even aware of, perhaps, towards white people?' " And then, later: "And another thing, Glenn, the president who has an overweight woman as his candidate for surgeon general shouldn't be having people over for beers if he's still smoking. Because there we got a triad of the most dangerous health effects in the world, and he's putting forward a national health care agenda."

If Ablow tends to second Beck's opinions—and gloss over real medical evaluation in favor of hyper-partisanship—perhaps it's because there's a strong commercial incentive for obsequiousness: Beck's shows make a terrific marketing platform. Ablow's *Living the Truth* sold well, but, considering that Beck was able to catapult comparatively obscure thriller writers to the top of the best-seller list with just a few on-air plugs, Ablow's upcoming projects—"Right now I am writing a proposal for a nonfiction book about our culture and collective psychology," Ablow says, "I'm also working up a proposal for a companion novel to address the same subject matter"—should benefit mightily from Beck's approval.

Of course, Beck's endorsement might also do Ablow some good were he to choose another career path. In late January, the *New York Post*'s Page Six reported that Ablow had dinner with Republican svengali Roger Stone in New York and that Stone has begun pumping Ablow as a challenger for John Kerry's Senate seat in 2014. " 'Doc,' as we would call him, would be the first doctor and first psychiatrist in the Senate," Stone told Ablow's hometown paper in Newburyport, Massachusetts, the *Daily News*. "He can talk on television and radio, and politics largely today is communication."

An Ablow campaign might be complicated somewhat by the fact that he donated money to Kerry back in 1998 and later attended a fundraiser at the home of the senator, but the doctor allows that his "ideas have evolved a little bit since then."

"All that's developed is that people call the office to volunteer and donate money," Ablow explains. "I learned a long time ago that to talk about things four years from now was folly." He's right, of course, but, when the time comes to make up his mind, Ablow probably won't keep his audience waiting long for an answer.

David Roth

David Roth is a writer in New York.

POTUS v. SCOTUS

In John Roberts, Obama finds the perfect enemy.

Barack Obama is gunning for a confrontation with the Supreme Court, and Chief Justice John Roberts has signaled that he welcomes the fight. Last week, the chief justice described the president's State of the Union condemnation of the *Citizens United* decision as "very troubling" and complained that the speech had "degenerated to a political pep rally." Roberts was making an argument about etiquette—dissent was fine, he said, but Obama had somehow transgressed the boundaries of civilized discourse by delivering his attack to a captive audience. But he was implicitly making a political argument as well. That is, Roberts seems to have joined the battle with Obama because he thinks the Court can win it.

As a matter of history, this argument is wrong: In battles between a popular president and an anti-majoritarian Court, it's almost always the president who prevails. Using the Court as a punching bag

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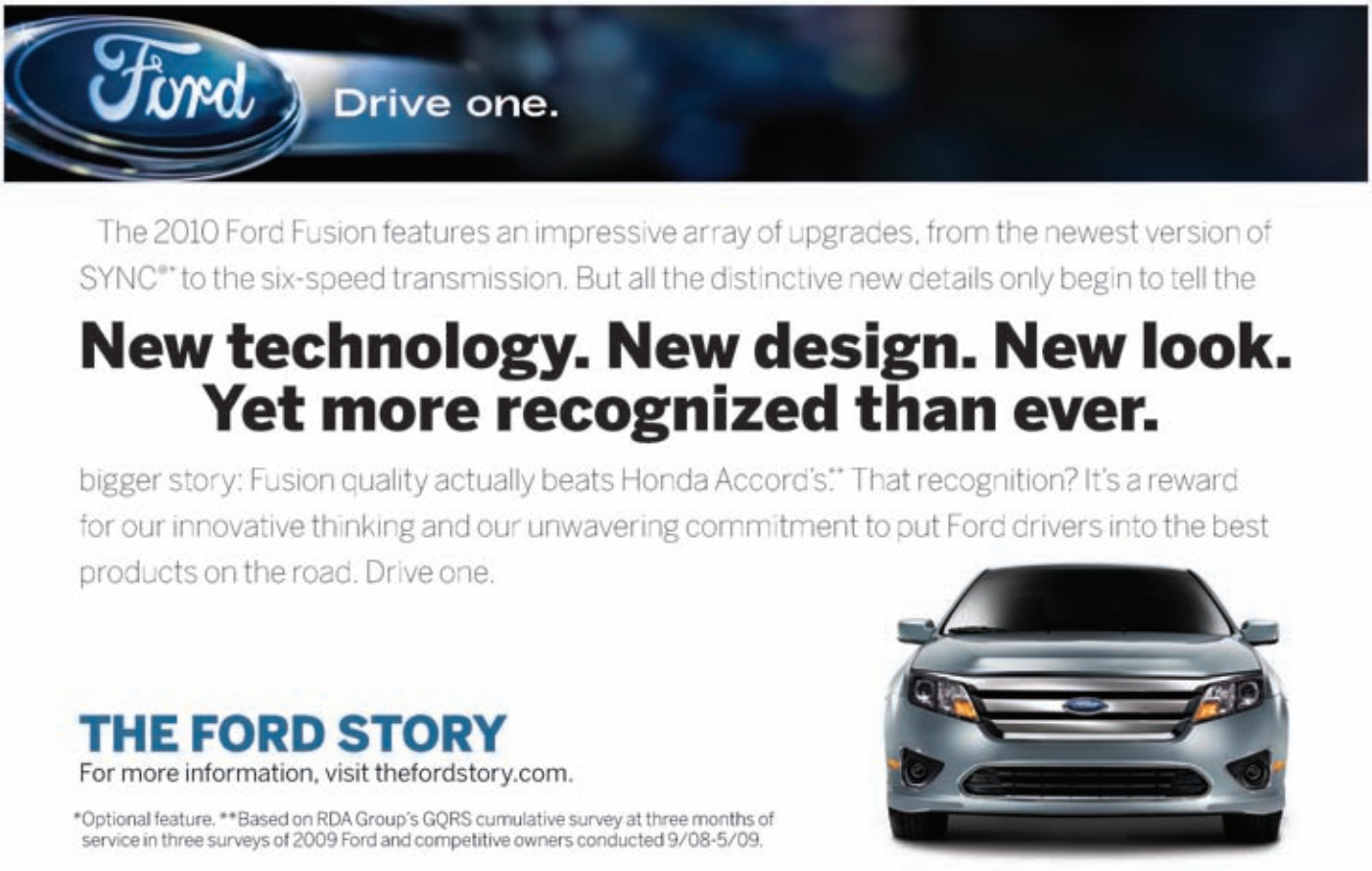
puts Obama in the company of his greatest predecessors: Jefferson, Lincoln, and both Roosevelts—all of whom bashed the Court for thwarting the will of the people. As long as he plays his cards carefully, Obama has much to gain from challenging John Roberts, and the Roberts Court has much to lose.

The successful history of presidential Court-bashing shows how fragile the justices are in the face of presidential attacks supported by a mobilized majority of the country. Thomas Jefferson attacked his distant cousin and arch-rival, Chief Justice John Marshall, for his "twistifications" and suggested he couldn't be trusted; he encouraged Jeffersonian Republicans to intimidate Federalist judges by impeaching Justice Samuel Chase. Marshall reciprocated Jefferson's disdain, calling him "the great Lama of the Mountain." But Marshall was so spooked by the Chase impeachment that he anxiously suggested in a letter to Chase that Congress should be allowed to reverse Supreme Court decisions it considered "unsound." And he fell over himself to accommodate Chase's accusers when called to testify at the impeachment. Marshall had diffused the crisis, and Chase was acquitted. There was, however, no doubt that Jefferson had accomplished his mission: Marshall acknowledged that he never fought battles that he knew he couldn't win.

Likewise, Abraham Lincoln vaulted from the House to the presidency by bashing the *Dred Scott* decision. "[I]f the policy of the government, upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court the instant they are made … the people will have ceased to be their own rulers," Lincoln declared in his first inaugural address, as an agitated Chief Justice Roger Taney looked on, trembling with rage. Lincoln continued his attack on the Court in his first State of the Union message, where he proposed reorganizing the federal circuits, part of a broader effort to break the long-standing Southern majority on the Court. But Lincoln also wisely rejected extreme Republican proposals to pack the Court by expanding it from nine to 13 justices, or to abolish the Taney Court entirely, acknowledging that Supreme Court decisions should be binding when "fully settled" by the people of the United States.

This isn't to say that Lincoln was a moderate on the question of the president's power over the Court: He flouted and denounced Chief Justice Taney's opinion challenging his suspension of habeas corpus. But Lincoln had an intuitive sense that Court-bashing can provoke political backlashes when it looks like an effort to coerce the justices into submission, and that presidential schemes to remake the Court can sometimes backfire when they're perceived to threaten judicial independence. As president, Theodore Roosevelt called the Court "a menace to the welfare of the nation," when it challenged his economic reform agenda. But, as a presidential candidate in 1912, he went beyond rhetorical fusillades and, in a progressive fury, proposed the popular recall of judicial decisions through referenda. He also argued for other state and federal laws that would allow voters to repudiate Supreme Court decisions that challenged the people's ability to be "the ultimate makers of their own Constitution." Only Colorado adopted proposals along these lines. And, of course, Roosevelt's Bull Moose candidacy went down in defeat.

Franklin Roosevelt shows the perils and ultimate rewards of Court-bashing. He initially had public opinion on his side as the conservative Court began to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strike down the New Deal in 1935. FDR fumed, "We have been relegated to the horse-and-buggy definition of interstate commerce." If the Court didn't retreat, he suggested, a constitutional amendment might be necessary. Elite editorial writers scolded the president, which may have emboldened the conservative justices to further activism. But Roosevelt won the election of 1936 in a landslide. After criticizing the Court in his 1937 State of the Union address, he proposed his notorious Court-packing plan, which raised concerns about executive dictatorship. But, although his Court-packing plan failed in the Senate, it may have cowed the Court into upholding the New Deal. Legal historians, such as Barry Friedman of New York University, persuasively contend that, if the swing justice on the Hughes Court, Owen Roberts, hadn't changed his mind about the New Deal, Roosevelt would have prevailed in mobilizing public support for disciplining the justices.

All this suggests that Obama should have no hesitation about vigorously criticizing the *Citizens United* decision—and any future rulings by the Roberts Court striking down his reform agenda, such as challenges to health care mandates or financial regulations. As for the chief justice, the more that he is moved to respond openly to Obama, the weaker he will appear. Even the Court's most savvy politicians—like Charles Evans Hughes, the former governor of New York and the chief justice who presided over the Court during the New Deal era—haven't been able to outmaneuver their presidential adversaries. Although Hughes managed deftly to defuse FDR's Court-bashing campaign, he only accomplished this feat by capitulating to the president's agenda, writing key decisions that upheld New Deal programs.

The greatest appeal of Court-bashing for Obama is that it can be based on a principled vision of economic populism and judicial restraint. Obama's guide here should be Louis Brandeis, who would have been appalled by the *Citizens United* decision. Brandeis denounced the "curse of bigness" that allowed huge corporations to take reckless risks with "other people's money" and then avoid accountability for their role in provoking economic crises. Brandeis also would have rejected the Roberts Court's vision of the free-speech rights of corporations: In his view, the purpose of the First Amendment was to make men and women free through reasoned deliberations, liberating them from huge corporations that were too large to be run on a human scale. By embracing a Brandeisian vision, Obama could gain all the benefits of Court-bashing while avoiding all of the dangers, arguing plausibly that conservatives have betrayed their long-standing principles by using narrow Court majorities to reverse their defeats in the political arena. In this kind of fight, the Roberts Court doesn't stand a chance.

Jeffrey Rosen

Department of Corrections

In the article "Labor and Delivery " (March 25), Craig Becker was identified incorrectly as a former professor at the University of Chicago Law School. He was a lecturer. We regret the error.

The Kings and I

My Facebook friend and the liberal dilemma.

Like a lot of writers, I have a Facebook page where I post articles that I've published. Over the past year or two, I've accumulated a few hundred followers—that is, Facebook friends—and, based upon the comments they leave, they tend to see the world the same way that I do. They're left of center, by and large, and they believe fervently in health care reform. If they have something negative to say, it's typically that President Obama and his allies in Congress aren't being ambitious enough.

But, a little over a month ago, I noticed that one of my Facebook friends had rather different ideas about health care reform—and the people in Washington who were promoting it. Her name is Terri Davenport King, and she posted her first comment on February 7, Super Bowl Sunday, right after Obama appeared on CBS to lay out his plan for pushing health care legislation in the wake of the Massachusetts special election. I had written a blog item praising Obama and explaining his strategy. Soon, Terri had written a response: "The man is takin this country down, and fast!!! I've never seen anything like it in 49 yrs. Scary." About two weeks later, I wrote an item speculating about whether Obama or his congressional allies might try to revive the public option. Terri's response was up within minutes: "*Screams* it's like night of the living dead!!!" When I wrote about Obama's bipartisan summit, Terri responded, "I do NOT want government run healthcare! I am so very upset," and "*sigh* I am done w/Obama for the day. I just despise him so much."

It wasn't just Obama whom Terri couldn't abide. When I wrote about Senator Evan Bayh's willingness to consider using the budget reconciliation process to pass health care reform, Terri responded, "I'm fed up with them all... they ALL are pieces of crap." At one point, one of my other Facebook friends—a liberal—started challenging Terri on some of her arguments. The two went back and forth for nearly an hour and a half, exchanging 19 messages in total. "Government needs to butt out," Terri said in closing. "[G]et out of our healthcare system."

What made these comments so striking is that Terri isn't just some random Facebook friend. She was the subject of an article I wrote for The New Republic's website in late 2006. Her son has serious congenital problems that have required millions of dollars worth of medical care—and that, at one point, threatened her and her husband with financial ruin. I had recounted her story in order to showcase the cruel inadequacies of our health care system and make the case for the kind of health care reform that I support and that, in the last year, the Democrats have embraced. Since that article first appeared, Terri and I have kept in touch, exchanging holiday greetings and talking about her family's subsequent experiences with the medical care system. But it was only last month that I realized she held views almost entirely opposite to mine—and I couldn't help but wonder why.

It is, of course, the same question that has preoccupied liberals for a generation: Why do so many middle-class people bristle at policies from which they would seem to benefit? And why, at the voting booth, do they seem to vote against their economic self-interest? Terri's story is almost a perfect example. After her son Matthew was born, doctors diagnosed him with pulmonary artesia, a deformity that restricts blood flow between the heart and lungs. Treatment included an arterial transplant, performed at Stanford University Medical Center, and months of hospitalization.

Terri's husband, Michael, is a police officer in Las Vegas, and he had what the Kings thought was good insurance coverage through his department. But, Terri later explained to me, it also came with an annual limit of $250,000 for expenses associated with a heart transplant and a lifetime limit of $2 million overall. When the insurance company

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claimed Matthew had exceeded the $250,000 threshold, the Kings protested, arguing that the limit should not apply since their baby had had an artery transplanted (as opposed to a heart). They prevailed, but there was still the matter of the $2 million lifetime cap, which Matthew nearly met before he was even two years old. That's when I heard about Terri's story and wrote about it. Local media outlets did the same, and, not long after, the Kings' insurance plan was renegotiated with a substantially higher cap.

But the experience left a deep impression on Terri. Back when Matthew had been in the hospital and it looked like the insurance company was going to cut off further payment for heart-related treatment, nurses and social workers had suggested that Terri contemplate divorcing Mike, so that she'd be eligible for Medicaid. Terri never forgot that—and, months later, when CNN asked her to tell her story, she cited that as proof the health care system was broken:

> I would have never thought in a million years that, in this country, that families that do all the right things can be completely ruined. There needs to be something available for the middle class people because health care is so unaffordable. There needs to be something for those of us that fall through those cracks, because we fell through every single crack.

Of course, this is exactly the sort of thing President Obama says when he talks about the Democrats' health care plan. And, as it happens, one of the first changes his health care bill will make is to eliminate lifetime caps on benefits.

So what soured Terri on Obama and the health care plan? One issue, clearly, is concern that the plan will affect her family's care. The Obama plan includes a tax on expensive health care benefits. Terri thinks that her plan, which comes through the police department, might qualify—and that, as a result, the benefits will be pared back. "You know one thing we are deathly afraid of??" she posted at one point. "This freaking 40% excise tax on employers that offer great health insurance... like we have...(and we fought for a higher lifetime cap and got!!) We have already heard from our employer about this tax. Why would they continue to offer insurance if they will be punished."

Why do people bristle at policies that will help them?

I would argue that Terri doesn't need to be so concerned. The excise tax has higher thresholds for some high-risk professions and wouldn't start until 2018, so the plan's administrators would have ample time to rearrange the benefits in a way that reduced costs without sacrificing Matthew's care. (Reform also includes safeguards—not just a prohibition on lifetime limits, but also a cap on personal out-of-pocket costs and an appeals system for treatment denials—although one open question in the final congressional negotiations is how widely those safeguards will apply.)

But, even if I could convince Terri not to worry, her opposition to health care reform plainly goes deeper than any policy issue: It's the product of a sincerely held distrust she harbors toward government in general and Democratic politicians in particular—a distrust so deep that she doesn't believe that provisions of the bill will actually do what their sponsors say they will:

> insurance companies should not cut people off when they need it the most.. and there should be no limit... and no pre existing clauses[.]... BUT.. it still needs to be affordable... they can SAY they won't cut you off and SAY there is no limit and SAY no pre existing.. but they can price it right out of reach. I simply don't trust a thing our government says. They all lie.

Terri's skepticism finds plenty of reinforcement in the one institution she does have faith in. "I trust ONLY Fox News," she posted during a back-and-forth with one of my liberal Facebook friends. But Fox probably wouldn't resonate if she didn't have those feelings in the first place. And it wasn't until I reread that same exchange that I stumbled across a possible foundation for her feelings—the sense that government is out to protect somebody else, not her:

> Yes, we need insurance reform. No doubt. Good people like my husband and I should not ever be told to sell off ALL our assets while our baby is on a ventilator in the hospital. . . . My baby deserves the same access to medical care as the babies of illegal aliens that went home with Medicaid cards... and my husband is a Gulf War Vet and a police officer. But we are middle class... we get screwed. Healthcare workers CONSTANTLY told us... too bad you were not poor or illegal... then you would be covered. Government steers you to poverty.

For all of our philosophical disagreements, I can understand why Terri feels that way. If you can't get insurance and you are poor, there's a decent chance you'll qualify for Medicaid. But, if you can't get insurance and you are middle class, there's a decent chance you're just out of luck. Is it any wonder so many middle-class people end up resentful?

Still, not all government programs inspire such reactions. You don't see people angry about Medicare and Social Security, because—unlike Medicaid—they are programs for everybody, rather than just a narrow set of particularly needy people. Obama and his allies know that; the whole point of their health care reform project is to expand the government's umbrella of protection, so that it covers the middle class as well as the poor. But they've struggled to complete this project in no small part because many of its intended beneficiaries, like Terri, don't believe the effort is genuine. The distrust of government among some middle-class Americans runs so deep that the only way to ameliorate it may be to enact programs that clearly put government on their side—and hope that, over time, the middle class takes notice.

Jonathan Cohn

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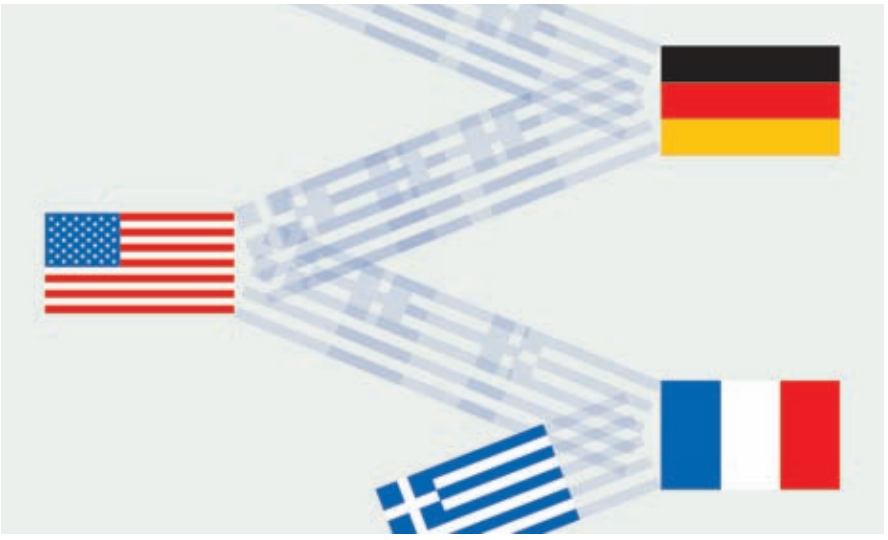
Greek Tragedy

Will Europe tank the world economy?



Shortly after Greek Prime Minister George Papandreou took office last fall, he learned that he'd inherited a massive booby prize: a budget deficit that was twice the amount the previous government had disclosed. But, when Papandreou came clean and promised to address the problem, the financial markets reacted violently. Interest rates soared, adding billions in debt-service costs to an already dire budget picture. And so, when Papandreou arrived in Washington in March, the stated reason was to push his brief against speculators—who, he claimed, had driven up Greek borrowing costs to usurious levels. "[We] were bold enough to reveal these problems," Papandreou said at the time. "But we were also penalized for revealing these problems."

Unofficially, however, the point of the trip wasn't so much economics as political economy: to subtly suggest that Greece had allies outside Europe who could help deal with its debt crisis. For weeks now, the Greeks and their eurozone neighbors have been engaged in an awkward dance. The French and Germans, who hold outsize sway in the monetary union, have shunned talk of a bailout, which would go down in their countries about the way the Wall Street bailout went down in this one. (The image of entitled Greeks frolicking on sun-splashed islands occupies roughly the same mental space in Northern Europe that "fat-cat bankers" do in Middle America.) The Europeans imply that there's little risk of contagion and believe Greece should largely clean up its own mess. For its part, Athens has formally denied interest in a bailout. But it has desperately played up the seriousness of the situation so as to obtain some sort of assistance, suggesting the turmoil could spill into Ireland and Portugal, even large economies like Spain and Italy.

By trekking to Washington, Papandreou hoped to ever-so-slightly tip the balance in this showdown. As Gikas Hardouvelis, a former economic adviser to one of Papandreou's predecessors, described the thinking to me, "Let the Germans feel that you do have Obama's ear so that they don't feel like super dictators." But the truth is that Washington can't play a direct role for fear of meddling in European affairs.

Which raises an interesting geopolitical question: How does the world handle a crisis when the United States can't step in? The answer, so far, is not very well. Without a third-party broker, it's not clear that the Greeks and Europeans can strike a bold enough deal soon enough. And that could be a problem not just for Europe, but for the entire global economy. "Just as subprime in the U.S. affected Europe," says Ted Truman, a longtime Fed and Treasury official who advised Secretary Timothy Geithner last year, "there's no reason a crisis in Greece, Portugal, and Spain couldn't affect the United States and the rest of the world."

The day after his meeting with Obama, Papandreou turned up at the Center for American Progress (CAP), an influential liberal think tank three blocks from the White House, to field questions from a small group of journalists. He is in his late fifties, trim and mostly bald, with a modest gray mustache. All in all, he looks less like a world leader than the proprietor of a refrigerator-repair school you might see advertised late at night. Papandreou's father, Andreas, was himself a Greek prime minister. But, while the father was famous for his fiery, rabble-rousing speeches, the son exudes a pronounced anti-charisma. There were times during the Q&A when it was tough to hear him over the whir of the air-conditioning.

Still, what Papandreou lacks in physical presence he more than makes up for in stature on the international stage. Hardouvelis points out that Papandreou is the current head of the Socialist International, giving him easy access to foreign eminences. Perhaps more important, his five-year tenure as Greek foreign minister beginning in 1999 won rave reviews in Europe and beyond. In 1996, Richard Holbrooke marveled that Greece and Turkey had been on the verge of war "over a little piece of land smaller than the State Department." Many in Foggy Bottom credit Papandreou with defusing the decades-old hostility behind such flareups.

Against this generally favorable backdrop, the particular card Papandreou wants to play in his dealings with Europe is the threat of turning to the International Monetary Fund (IMF). European federalists cringe at the thought of the Fund's shock troops landing on their soil—the mere symbolism would deal a blow to the idea of continental self-sufficiency. So Papandreou has sought leverage by publicly musing about inviting the IMF to Athens. "We have done our duty, what we were told to do … it's important for Europe to recognize this," he said at CAP, alluding to proposals to pare back his country's deficit. "In the case that Europe does not have the necessary tools, and a country like Greece did have real trouble borrowing, then the alternative would be the IMF."

Of course, no one expects Greece to call in the IMF unless it's truly on the verge of a meltdown. Among other obstacles is the European Central Bank (ECB), whose authority over monetary policy is supreme. (By contrast, the Fed must answer to Congress on occasion.) The ECB jealously guards its bailiwick and would be horrified to take orders from IMF officials. "The Germans are concerned about the ECB," says former IMF chief economist Simon Johnson, a TNR contributor. "They will control it next—it's their turn dammit! They don't want the IMF kibitzing." If nothing else, the Germans and French enjoy disproportionate influence on the IMF board. They could effectively prevent the Fund from accepting a Greek plea for help. This is all the more likely when you consider that French President Nicolas Sarkozy has been warily eyeing his countryman Dominique Strauss-Kahn, the IMF managing director, for months now. Strauss-Kahn has hinted at

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Petition for Redress of Grievances

to

US Attorney General Eric Holder

FDA Food Czar Michael R. Taylor

The World Health Organization (WHO) has just recommended that drinking water contain 25-50 mg of magnesium per liter to prevent deaths from heart attack and stroke. www.MgWater.com/download American bottled water averages <5 mg of magnesium (Mg) per liter, while bottled water in the rest of the world averages about 20 mg of magnesium per liter.

The FDA and DOJ caused the Mg-deficient-water problem by destroying the American mineral water industry in the 1930's, in the mistaken belief that "pure" water was good, and that mineral water was just impure water. **Now, it is up to the FDA and DOJ to correct their blunder, requiring the Mg content of bottled or canned beverages to be put in labels' nutrition panels, and requiring that all bottled or canned beverages contain at least 25 mg of Mg per liter.**

Epidemiological studies indicate that millions of Americans may have died due to the FDA's and DOJ's destruction of the American mineral water industry. See:

http://www.mgwater.com/anderson.shtml http://www.mgwater.com/lancet.shtml

http://www.mgwater.com/finland.shtml http://www.mgwater.com/singh.shtml

Foods no longer contain as much magnesium as they did a century ago, due to increased food processing and possible soil depletion. Consumers have generally rejected magnesium-rich whole grain foods like brown rice and brown bread, in favor of magnesium-stripped white rice and white bread. Bottled beverages are the most practical way of delivering magnesium to consumers. Recent studies clearly confirm that water-borne Mg is far, far better in preventing cardiovascular pathologies than food-borne Mg.

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a presidential run in 2012, and Sarkozy presumably isn't eager to make him Europe's savior.

By the same token, observes Jacob Funk Kirkegaard of the Peterson Institute for International Economics, few doubt the French and the Germans would pony up if Greece were really teetering. Nothing would deal a bigger blow to the European project than a spectacular flameout by one of its members. The point is just that resolving a situation like Greece's shouldn't require the threat of imminent collapse, by which time the crisis could have spread around the globe.

That's the reason why, for all the headaches it poses, the IMF deserves to be more than a bargaining chip. While noble, Papandreou's deficit-cutting efforts aren't likely to be sustainable. They simply ask too much of his country too quickly, attempting to reduce a deficit of 12.7 percent of GDP to under 3 percent within three years—all at a time when Greece is already in recession. Even if Greece can painlessly refinance the roughly 20 billion Euros in debt that come due this spring, future refinancings will be brutal if the austerity regime unravels. "I think the amount of adjustment they're asking for in a short period of time is in the draconian category," says Truman. "It's likely to fail. So we're going to have another chapter."

Pretty much the only way to avoid a relapse is a financing package worth at least tens of billions of euros. That would buy Greece some time to roll back its deficit at a more humane pace. And, as a practical matter, the IMF is the only institution that can quickly muster enough cash.

But the case for IMF intervention isn't just economic; it's political. For all the tensions it would create in Europe, turning to the IMF could actually solve many more. As the *Financial Times*' Martin Wolf has pointed out, the Germans are basically pursuing two contradictory goals in their dealings with Greece. On the one hand, they want to inflict pain so as to restore credibility to EU rules governing deficits, which members have flouted for years. On the other hand, they want to preserve European cohesion, which could fray if the Greeks—and other countries at the continent's periphery—feel they've been wronged. Wolf wagers that one or the other goal must give. But turning to the IMF might resolve this contradiction. However embarrassing it would be for Europe as a whole, it's Greece that would bear the scarlet letter of IMF assistance—a loss of face few neighbors would care to repeat. At the same time, notes Randall Stone of the University of Rochester, the Greeks wouldn't have the pedantic Germans to blame for their plight. They could focus their ire on those faceless bureaucrats at the IMF's Washington headquarters.

And then there are the Americans. Though Obama administration officials don't appear overly concerned about Greek contagiousness, they probably secretly pine for an IMF intervention. Both Geithner and Larry Summers, the top White House economic adviser, have said that most countries are too slow to respond to a financial crisis, and too tentative once they do. The two men have long favored a "Powell doctrine" of overwhelming financial force. Only the IMF can execute that here.

Alas, decorum dictates that Geithner and Summers essentially keep quiet. And so, on his way out of Washington, Papandreou was left to plead his own case. At the CAP session, one reporter mentioned a recent Greek debt offering that went slightly better than expected. "We had the good news of having our borrowing … at a rate which was lower than previously, but still not low enough," Papandreou bleated. "That's not, in the long run, sustainable." Then again, he added joylessly, he was still "in the process" of negotiating with the Europeans. Somehow, it was not reassuring.

Noam Scheiber

Housing Bust

Why is Obama so upset with Israel?

You do not need insider information to know that Hillary Clinton threw a hissy fit at Bibi Netanyahu last Friday morning. And you don't need that kind of information to know that she was sent out to do this little job by her boss. Just as Joe Biden revealed that it was President Obama who'd compelled him to "condemn" the Israeli interior ministry's press release announcing that the fourth out of seven required approvals had been passed, leaving three others and several years to go before construction could even begin on the 1,600 housing units in Ramat Shlomo, an East Jerusalem neighborhood of some 20,000 unpatriotic but ultra-Orthodox Jews, may God bless their little Shloymeles and Leahs.

This is a pretty draconian response from Washington to a pretty minor (albeit ill-timed) provocation. Especially as Israel, in agreeing not to start new construction in the West Bank for ten months, had said that it was specifically exempting East Jerusalem from this interdict. While recognizing this exemption, on October 31, 2009, Hillary Clinton called Israeli forbearance on new building "unprecedented." So what has changed? The Palestinians proved to be more recalcitrant rather than less, likely because they had quickly surmised that Obama was in their corner and would not push them much. Their surmise turned out to be correct. In the particular case of Ramat Shlomo, the United States quickly joined its Quartet partners—the European Union (itself in some disarray), the United Nations (a literal joke in the world), and Russia (which has done so much for peace in the Middle East)—to denounce Israel's disdain for their sentiments.

Before anyone leaps to the conclusion that I favor unlimited Israeli construction in East Jerusalem, allow me to say that I don't. Moreover, I envision, if the Palestinians come to their senses (which, frankly, I cannot assure they will do), that Arab neighborhoods in that part of the city will be joined to land under the dominion of the Palestinian Authority (PA) to constitute Palestine. Most Israelis would be perfectly prepared to part with these areas under a final-status agreement. So, "undivided Jerusalem" will evaporate like the mist in the morning. Special and very delicate arrangements will have to be made for the Holy Basin, including the Temple Mount (or the "Haram Al Sharif," as the Muslims call it). And let's be clear about the sacred places on the Mount. When they were captured in June 1967, administrative authority over them remained with the Islamic waqf. Jewish prayer was forbidden there, although some Jews wanted to pray there, and some still do. Instead of the Mount being encroached upon by Israeli authorities, it has been protected by them. The assault on the space has come from Muslims, who conjure up perils to its integrity. When prime minister the first time, Netanyahu opened the Western Wall Tunnel—and Arafat responded by inciting riots that claimed 80 lives. Ariel Sharon walked on the Mount and there followed the second intifada, a feast of terror.

The Israelis will not allow the future of Jerusalem to be decided by a riot-backed fiat of the Muslims, whose claims on the city are inflated. OK, I am a doubter. By way of compensation, then, I will concede that Muhammad did ride his winged steed Al Buraq on his Night

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Journey to Jerusalem and, from there, ascended on a ladder to see Moses and Jesus in heaven. Otherwise, however, Jerusalem is to Islam what any other city with a big mosque is. And this particular city was ignored over the many centuries and especially when it was under the dominion of King Hussein of Jordan. But it lives centrally and vividly as the City of David to his people and to the faithful of Jesus who walked there along the Stations of the Cross to Golgotha—that is, in the two traditions whose cardinal books are centered in Zion. Jerusalem becomes sacred to Muslims when it is governed by Jews or Christians, Jews in particular.

I have distaste for the ultra-religious Jews who, through both stealth and stupidity, maneuvered the Netanyahu government into this confrontation with its most significant ally. I also know a little about how this happened. A mid-level, faceless bureaucrat issued a press release as she issues other press releases, mostly on the trivial. Did some higher-up grasp that this would make trouble for Bibi and give the information more life? My guess is that the answer is "yes." The Israeli parliamentary system is a vipers' nest and has been for decades. The main activity of the coalition partners is to undercut each other. The Shas Party, whose functionaries run the interior ministry according to their dictates from God, uses every occasion it can to push its own idiosyncratic agenda, no matter how little support it has in the public. If it makes trouble for the government itself, so much the better.

David Axelrod has now put an ugly political spin on this turmoil by suggesting that the Israeli move was designed to undercut the "proximity talks" that had been planned. What's more, Axelrod argued, this was an "affront" and an "insult" to the United States. Not to be outdone in inflammatory talk, ABC's Jake Tapper, who was questioning the political adviser to the president, goaded him further: "I hate to say this, but yes or no, David, does the intransigence of the Israeli government on the housing issue, yes or no, does it put U.S. troops' lives at risk?" Axelrod declined to take the bait. The idea was already out there.

Still, Axelrod, a strange guy to go out and comment on Obama's foreign policy, was not just speaking for himself. Like Hillary Clinton, this kind of talk was a decision of the president himself. No one on the White House staff denies this. You don't have to ask about it. Almost everyone who's anyone at 1600 Pennsylvania Avenue or in Foggy Bottom will volunteer the news: Obama is "rip shit" with the Israelis. So how long has he been rip shit? I believe that he has been sitting in waiting for the opportunity to have others send the message: "The president has blown his top." When talks fail, which they inevitably will, he will present his own plan. Beware.

Obama had gone out on a limb about Israel-Palestine. It was based on very faulty history or, rather, on a canny distortion of history. The fact is that neither George Mitchell nor Hillary Clinton nor the president himself has wrangled a single concession from the Palestinian Authority, not one. In fact, the whole structure of the talks is built on yet another concession from Israel. The press is so unknowing that it simply didn't realize or didn't care about the nature of the concession. But, to anyone who knows and cares about history, the arrangement is nothing less than spooky.

The idea of proximity talks goes back very deep into the past. It was actually transcended in the negotiations between Yasir Arafat and the strained Israeli duo of Yitzhak Rabin and Shimon Peres. Since then, in fact, face-to-face consultations had become more or less routine. Sometimes they were desultory; other times they were not. On occasion, they were very productive, as with the agreement to field a U.S. training mission for Palestinian police with deep cooperation from Israel.

So, proximity talks are a big retreat from reality—not a surprise, but a big retreat nonetheless—when the Palestinians want only to talk with the Americans. And then, the Americans will talk to the Israelis, and back and forth through the American mediator, presumably a tired Mitchell who hasn't had a fresh idea in years. Now he has allowed the Palestinians to push him back to the idea of indirect negotiations, and, apparently, Obama also does not object—or maybe it was his own fix-it device. This is an old nightmare in the Jewish memory bank. Already, at Versailles, there was no contact between the Zionists and the Arabs and no contact at later conferences at which the question of Palestine was discussed.

The St. James Conference, called the London Round Table and convened by Neville Chamberlain(!), attracted all the leading Zionists and the best-known non-Zionist Jews. Saudi King Ibn Saud's son, Emir Faisal, was in attendance, as were Iraqi Prime Minister Nuri Al Said (who was butchered on the streets of Baghdad 20 years later) and Jamal Al Husayni, a relative of the notorious grand mufti of Jerusalem. We have a description of what happened in London from the eminent historian Walter Laqueur:

> The Arabs refused to sit at one table with the Jews and arrangements were made for them to reach the conference hall in St. James's Palace by a different entrance. There were, in fact, two separate conferences. Only on two occasions did informal meetings take place between Jewish leaders and the representatives of Egypt, Iraq and Saudi Arabia. The Palestinian Arabs refused any contact with the Jews.

Eight years later, another conference assembled in London, this time summoned by the British foreign secretary, Ernest Bevin, who—how can one say this?—simply did not like Jews. The conference, writes Laqueur, "was a repeat performance for those who had been to St. James's Palace eight years before. There were no new proposals to be discussed, nor, as in 1939, were there any direct meetings before Arabs and Jews."

The Arabs put their fate in the gods of war, expressing "the view both privately and on occasion in public that historical conflicts are always settled by force of arms and that one might as well have the struggle right away and get it over." The General Assembly convened in November 1947 and sanctioned the creation of a Jewish state (yes, specifically Jewish state) and an Arab state (not, as it happens, a Palestinian state, since even the concept of a "Palestinian" did not have real life at the time—the "Palestinians" were the Jews). Thus, the Arabs went to war … and were handily defeated. At the various armistice talks, no Arab would sit at a table with an Israeli.

That the president and his team should now take up this old Arab formula for disguising reality demonstrates the poverty of their grasp of the problem at hand. In fact, Obama seems to think that he is the superego of the conflict and that his function is to hand out dicta on how to end it. But he has no dicta for the Palestinians and plenty for the Israelis. The Jewish state has many conditions under which it would be prepared to give more rather than less. Alas, the president can't bring himself to publicly acknowledge this. The fact is that he does not particularly like Israel. Which is why it is so frightful to have his messenger running between Jerusalem and Ramallah making demands on the Jews.

Martin Peretz

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Behold China

Repressive at home. Aggressive abroad. Driving Obama nuts.

JAMES MANN

For decades, various Chinese officials and outsiders have reassured the world that the country's Communist Party leadership eventually planned to open up its one-party political system. The regime would undertake major political reforms and liberalization, it was said, to accompany the economic reforms launched by Deng Xiaoping in the late '70s. It was merely a question of choosing the right time. Writing in *Foreign Affairs* two years ago, John L. Thornton, the chairman of the Brookings Institution, who has extensive high-level contacts in Beijing, reported that a senior Communist Party official told him "the debate in China is no longer about whether to have democracy . . . but about when and how."

Over the years, a variety of short-term explanations have been offered for why the Chinese leadership's supposed plans for political change have been deferred. The Chinese leadership is too new on the job to launch reforms. Or, perhaps, it's been around too long. No, it can't loosen up right before a Communist Party Congress, the big gathering held every five years. Nor can it do anything in a year that ends in a nine (too many sensitive anniversaries fall during these years, including the Tiananmen Square crackdown of 1989). It couldn't risk reform before the Beijing Olympics. And certainly not in a period of recession or sluggish growth—nor, for that matter, during high growth or inflation.

If you took seriously all of these past justifications for short-term delay, the perfect time for the Chinese regime to proceed with opening up its political system might be right about now. The touchy year that ends with a nine is over, the Beijing Olympics long gone. President Hu Jintao and Premier Wen Jiabao have been in their jobs together for seven years already, and the next Party Congress is still two years off. There may be a few financial jitters, like a real-estate bubble, but, generally speaking, the Chinese economy is doing fine—neither in recession nor frighteningly overheated.

Yet there is no sign of political liberalization. In fact, over the past year or so, President Hu Jintao and his aides have seemed to be, if anything, moving in the opposite direction—tightening control of organized political opposition and even the lawyers who represent dissenters.

In December, Chinese authorities formally charged Liu Xiaobo, a leader of the Charter 08 movement—which is pushing freedom of expression and free elections—with "incitement to subvert state power." Liu was tried, convicted, and sentenced to eleven years in prison, despite appeals from the European Union and the United States for his release. Meanwhile, Gao Zhisheng, a prominent lawyer who had represented coal miners, underground Christians, and members of the Falun Gong movement in seeking redress from the Chinese government, vanished from his home on February 4, 2009. Chinese authorities said nothing about him for nearly a year and then only added that Gao is "where he should be." Last month, Chinese officials said Gao was off working in the remote Xinjiang Province; his own wife has not been allowed to speak with him. In February, Tan Zuoren, a Chinese environmental activist, was sentenced to five years in jail on charges of inciting subversion after he compiled a list of children killed in the Sichuan earthquake. These prominent cases are part of a larger pattern. "The ongoing arrests of not only prominent government critics but also peaceful protestors, journalists, people trying to find redress for poisoned milk formula or shoddily-constructed schools which killed their children, and even foreign businessmen suggests that the Chinese government is showing no signs of respecting some of the most fundamental human rights," argues Sophie Richardson, the Asia advocacy director for Human Rights Watch.

China has gone through periods of internal crackdown in the past without concurrent changes in its foreign relations. This time, however, the tough line on domestic dissent has gone hand-in-hand with a distinct hardening of its positions on a series of international issues. At the U.N. Security Council, China has emerged as the principal obstacle to multilateral efforts to stop Iran from acquiring nuclear weapons. China has pursued essentially mercantilist policies by maintaining an undervalued currency, despite repeated appeals from the United States, Europe, and elsewhere. By most accounts, China helped lead the way in preventing any serious action against climate change in Copenhagen last December. After tightly circumscribing Barack Obama's visit last November, China has taken tougher positions than it had in the past toward U.S. arms sales to Taiwan and a visit to Washington by the Dalai Lama. But it isn't just the United States: The Europeans, the British, and the Indians have all run up against what seems like a new Chinese assertiveness, too.

What accounts for the regime's recent behavior? The most obvious explanation, and the one most frequently put forward, is that China has finally recognized its own growing power. Particularly since the financial crisis of 2008 and the spiral of U.S. budget deficits, the Chinese leadership has—so this theory goes—realized it has the economic clout to be more demanding, to insist on changes in the status quo, and, generally, to tell everyone to buzz off. And so, we are said to be witnessing China's retaliation against the West for humiliations dating back to the Opium Wars.

The problem is that this explanation doesn't quite add up. Yes, China has a recent, well-founded perception of its own economic strength compared to other countries—but it doesn't necessarily follow that this should lead to the sort of edgy obstreperousness the regime has recently displayed. In fact, there have been occasions in the past when a sense of strength produced in Chinese leaders a very different reaction—an august serenity toward the outside world. (This attitude was epitomized by the Emperor Qianlong's famous riposte to the British emissary Lord Macartney's entreaties to open up China to trade: "We have never valued ingenious articles, nor do we have the slightest need of your country's manufactures.") The most powerful of Chinese leaders have

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Clockwise from top left: Xinhua / Landov; Keystone Pictures Agency/Zuma Pictures; AP Photo/Scott Stewart; AP Photo/David Longstreath; Yao Dawei/Newscom; Eriko Sugita/Reuters / Landov; Kyodo /Landov; AFP/John Giannini/Newscom

China's international strategy has been driven increasingly by its anxieties about its grip on power at home.

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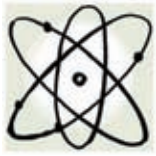
displayed a sense of humility, however artificial, in dealing with outsiders. When Richard Nixon met Mao Zedong for the first time, he told Mao his writings had moved China and changed the world. Mao demurred: "I haven't been able to change it," he said. "I've only been able to change a few places in the vicinity of Beijing." Flaunting power, in other words, is hardly a consistent and unbroken Chinese tradition.

In fact, China's recent assertiveness sometimes seems counterproductive, in ways that China's foreign policy usually is not. More commonly, China has been skilled at flexible, soft-shoed diplomacy; the aim has been to keep other major powers divided and, where possible, competing with one another for influence in Beijing. But China's recent policies on human rights, on maintaining the low value of its currency, and on climate change have all tended to remind Americans and Europeans of their shared values and interests in dealing with China.

If Chinese foreign policy has been (on many levels) counterproductive, that may be because its intended audience isn't in Washington or Brussels. That is, its international strategy is increasingly driven by undercurrents at home. The Chinese leadership seems uneasy about losing control. For the past several years, it has worried about the development of a popular movement comparable to the ones that produced the "color revolutions" in Ukraine and Georgia. Over the last year, China has also watched the growth of the Green Movement in Iran. To an outsider, the comparisons seem preposterous; the two countries could not be more different. Iran has had various forms of middle-class movements (not to mention elections) for decades.

Yet there has been a surprising interplay between recent developments in Iran and in China. Immediately after Iran's tumultuous election last June, the Chinese foreign ministry voiced support for Ahmadinejad and said it hoped Iran could maintain "stability and solidarity." When riots broke out in China's western Xinjiang Province last July, only weeks after the Iranian elections, President Hu Jintao cut short a trip to Europe and rushed home to take charge. China quickly cut off Internet service throughout the entire region. A couple of months ago, the *People's Daily*, the official newspaper of the Chinese Communist Party, warned of the role played by the Internet in Iran and specifically linked it to the United States: "How did the constant chaos after the election in Iran come about? That was a cyberwar initiated by the U.S., where on YouTube and Twitter, it spread rumors, created splits, provoked and sowed discord."

Meanwhile, the Chinese leadership struggles with a domestic political problem from a different direction, one of its own making: an ever more strident Chinese nationalism. The regime has stoked this nationalism as a replacement for the old Communist values that few in China believe in anymore. Indeed, more than 60 years after Chiang Kai-shek fled the Chinese mainland for Taiwan, the Communist regime that defeated him is managing to produce its own new Nationalist China, with a good deal of the corruption of the old one. But the more the leadership encourages nationalism, the more it has to worry about being itself accused of caving to foreigners. It allowed anti-American demonstrations to swell after U.S. bombs hit the Chinese embassy in Belgrade. It allowed anti-Japanese protests a few years later. In both cases, the regime had to rein in what was happening on the streets after the protests threatened to spin out of control. The ultimate fear is that, some day, nationalism could turn against the leadership itself.



In short, China is on its way to becoming a durable authoritarian regime. However, it's not quite there yet. There is still, for now, the worry about nascent opposition at home, whether it might develop on the streets or online. The consequences seem clear: China isn't opening up its political system to far-reaching reform in the way that outsiders have for years hoped and predicted, and it is ever less willing to do anything overseas that might make it look weak.

In the United States and Europe, the reaction to this hardening has been one of angst. What we are witnessing now, in fact, is the gradual disintegration of America's post-cold war vision and strategy for China. One veteran China hand, David Shambaugh, recently described the current intellectual predicament in a succinct if understated fashion: "Analysts who have argued that the country is moving inexorably towards greater openness and reform are beginning to reexamine long-held assumptions."

America's strategy for dealing with Beijing has been based for nearly two decades on the idea of using trade and economic ties to bring China into the existing international system and gradually nudge it toward political liberalization—as Richard Haass, the president of the Council on Foreign Relations, has put it, "to integrate China into a U.S.-led world order."

It took some time for that strategy to gel. Throughout the 1970s and '80s, America's China policy was based primarily on the idea of a cold war partnership against the Soviet Union. There was little talk then of prodding China's political system, although some in Washington believed that Deng would follow up his economic reforms with a comparable drive for political change.

After the upheavals of 1989—the Tiananmen demonstrations and the bloody crackdown, the fall of the Berlin Wall later that year—American leaders struggled to come up with a new basis for dealing with China. The initial formulation came from President George H. W. Bush. Seeking to explain America's continuing ties with a regime that had so recently opened fire on its own citizenry, Bush settled on the idea of "engagement." It was a curious choice of words. The phrase "constructive engagement" had been used by the Reagan administration a few years earlier as justification for its friendly policy toward South Africa in the face of a congressional effort to impose economic sanctions against the apartheid regime. Nevertheless, as applied to China, the word "engagement" took hold—to such a remarkable extent, in fact, that it has been used, over the past two decades, to describe contacts not just with Beijing but with other repressive regimes around the world, from Burma to Sudan to Iran.

Still, as even many of its proponents acknowledged, "engagement" was itself merely a tactic, an agreement to go to meetings, and not a strategy. It was left to the Clinton administration to come up with that. The United States hoped to open up the Chinese political system. The means for accomplishing that change would be trade and investment. Economic prosperity, the strategy predicted, would lead eventually to political liberalization. In this analysis, China would follow the same political path as its Asian neighbors, South Korea and Taiwan, both of which had moved from authoritarianism to democracy during the 1980s.

"You're on the wrong side of history," Clinton informed Chinese President Jiang Zemin at one 1997 Washington press conference—thus adopting, with some modifications, Francis Fukuyama's post-cold war view of history's inexorable drive toward liberalism. Clinton spoke of political change in China as "inevitable,

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just as inevitably the Berlin Wall fell."

There was nothing particularly Democratic or Republican, nothing liberal or conservative, about this triumphal American vision for changing China. Clinton's successor, George W. Bush, proclaimed, "Trade freely with China, and time is on our side." (After China began to accuse the United States of carrying out a strategy of "peaceful evolution" to undermine Communist Party rule, American officials, high and low, often confessed privately, with bemusement, that they were indeed believers in peaceful evolution.)

Predictions that China was destined for some sort of political change were simply part of the intellectual landscape of the years after the end of the cold war. In 1996, at a Stanford University conference called to sketch out what China might be like in the year 2010, the late Michel Oksenberg, one of the best and most illustrious of all American Sinologists, hazarded a prediction. "I am tempted to suggest that China's paramount leader will (by 2010) have either been directly elected or selected via an elected, multi-party national parliament," he said. "The outside world and the porousness of China's borders will make it difficult for China's leaders to resist those trends."

The centerpiece of the strategy of integration, in policy terms, was the successful effort to bring China into the World Trade Organization (WTO). In doing so, the U.S. government ended the annual process (an impassioned debate in the early '90s, ultimately a hollow ritual) in which Congress voted to extend China's trade privileges in the United States.

In the process of arguing for China's WTO membership, the Clinton administration told the American public about the political impact it would have inside China. These claims were carefully worded, but clear enough. "Bringing China into the WTO doesn't guarantee that it will choose political reform," said Bill Clinton in 2000. "But accelerating the progress, the process of economic change, will force China to confront that choice sooner, and it will make the imperative for the right choice stronger. . . . I understand that this [bringing China into the WTO] is not, in and of itself, a human rights problem. But, still, it is likely to have a profound impact on human rights and political liberty."

A decade later, it appears that this strategy of changing China through trade has backfired. To be sure, China's membership in the WTO had an enormous economic impact. For those who wanted to invest in China, or to outsource manufacturing to China, WTO membership brought long-term stability and predictability to doing business. Companies had the protections of the WTO; they didn't have to worry about annual congressional reviews affecting whether they could continue to operate.

But the extensive economic changes have not hastened China's decision to launch political reform, as Clinton and many others had forecast. Instead, they have set back any such decision. WTO membership helped fuel high rates of economic growth and increasing prosperity for an urban elite with an ever-greater stake in the existing political order. Individual Chinese have greater personal autonomy than they did a decade ago (in the sense of lifestyles, clothes, and travel), but any organized dissent or opposition to the regime is suppressed at least as thoroughly as it was ten years ago. From the standpoint of the Chinese leadership, the economic changes of the past decade have meant steadily increasing foreign-exchange reserves and thus ever-greater leverage in dealing with other countries. Why do anything to rock this boat?

In recent months, China's old friends overseas, who have argued for years in favor of greater understanding of the leadership, are now giving voice to a strikingly more pessimistic view. In one January speech, Chas W. Freeman Jr., the veteran diplomat who took part in the Nixon opening to China, said the current regime "stands for no credible values, neither trusts nor is trusted by those it rules, suffers from a high level of corruption, and has no clear vision for self-improvement." He concluded: "Despite its economic successes and growing defense capabilities, China's international influence will remain limited as long as it fails to evolve an attractive political system. It is not impossible that it may do so, but there is no evidence at present to suggest that it will."

Enter Barack Obama. In talking about China, Obama has been noticeably different from his predecessors, both Bush and Clinton. In public statements, Obama generally does not say that trade and investment will lead to political liberalization or that China's own growing prosperity will produce a popular desire for change in its one-party system. He does not embrace the triumphal view that history is on America's side. "I believe that each country must chart its own course," Obama said during a speech in Shanghai.

Instead, the Obama administration's portrayal of China's political future is decidedly less hopeful: We can't change China, but we still have to deal with it somehow, because it is important to our diplomacy (think Iran and North Korea) and our economy (think Treasury bonds). When conflicts arise, the reigning new cliché is that the United States and China have a "mature relationship." So, the two countries continue to meet and talk with one another about important issues, but at the same time have strong disagreements. (By this same definition, the Obama administration also has a "mature relationship" with John Boehner and Mitch McConnell.)

The idea of the powerful United States bringing China into the existing system is fading. Obama possesses, if anything, an exaggerated sense of China's strength. When he visited China last November, he accepted restrictions on his events and his ability to speak to the Chinese people that were considerably beyond those Bill Clinton endured more than a decade ago. He also agreed to a long, formal "joint statement" with China whose vague wording set off some jitters overseas. In it, the United States and China promised to respect each other's "core interests," a phrase that China has itself defined to include Taiwan, Tibet, and Xinjiang. The administration maintains that this statement represents nothing new, but China has been quick to seize upon it and will continue to do so. (When Obama met with the Dalai Lama a few weeks ago, China immediately complained that it was a violation of the document.)

The administration avoids sweeping pronouncements about China's political future because it recognizes, to a fault, the limits on its own power to bring about change. Meanwhile, elsewhere in the United States, in public and intellectual debates, the old 1990s notion that trade will lead to political liberalization in China is giving way to new formulas for deflecting concern about the Chinese

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regime's continuing suppression of organized dissent. The old line was that China was headed inevitably for political change. The new one is that most Chinese people really don't want political change, anyway: They are said to like China's existing system. In fact, this line of thinking is not new, but a revival. It echoes the argument frequently made about China in the West during the 1960s and early '70s, until, after Mao's death, that turned out to be wrong.

Those with a rosy view of the regime's popularity sometimes point to a Pew Global Attitudes Project survey conducted two years ago, which found that 86 percent of Chinese were satisfied with "the way things are going in our country today." But the Pew poll also found that an unimpressive number of Chinese, by global standards, were happy with the way things were going in their own lives, as opposed to the nation as a whole. Pew did not ask—because no outside pollster could possibly ask—the basic questions: Would you like to be able to choose your own leaders? Do you like the Chinese Communist Party? Do you think a single party should run everything in this country?

Recognizing that our commerce with China will not open up its political system has implications both for American policy and for how it is explained or justified. Finally, the United States can pursue an economic policy toward China that suits American economic interests—detached from any large political project. We should not cling to old visions of liberalizing China through trade, while Beijing pursues mercantilist policies to protect its own industries and workers.

During the 2008 primaries, campaigning in industrial states, both Obama and Hillary Clinton attacked China's economic policies and promised changes in a new administration. Clinton was particularly acerbic. "It is outrageous that China and other countries continue to manipulate their currencies to put our goods at a disadvantage," she told one union audience in Pittsburgh. Obama was less fiery but made the same point that very same day. Chinese leaders are "grossly undervaluing their currency, and giving their goods yet another unfair advantage," Obama said. Their promises of a new policy were shelved soon after the administration took office. The incoming treasury secretary, Timothy Geithner, told the Senate Finance Committee in a written statement that "President Obama . . . believes that China is manipulating its currency." In short order, there were worries that the new administration might be getting off on the wrong foot with China, and Geithner reversed course. Last April, in its first formal report on currency issues, the Treasury Department decided not to say anything about China's manipulation.

The Obama administration is due to file a new currency report next month that will address the question for China once again. And China will probably offer a small-scale appreciation in an effort to deflect larger changes. Some China analysts warn that the leadership in Beijing can't move too quickly to correct its abuses because, if it did, there would be widespread layoffs of Chinese workers. That's genuinely too bad, but the Obama administration needs to keep its focus on U.S. jobs and to press for truly significant changes in the value of the Chinese renminbi. By Paul Krugman's recent estimate, China's current policies may cost the United States 1.4 million jobs over the next couple of years.

When it comes to diplomacy, the same sorts of considerations apply. The idea of integrating China into a U.S.-led world order was a chimera from the start. So, instead of pursuing vague and larger purposes, we should simply pursue our own interests, as China does. We can stop pretending that those interests coincide. There is no need to sign grand statements about Sino-American cooperation when they don't reflect the underlying reality between the two countries. At this point, speeches invoking the old days of the Nixon-Kissinger era not only don't help, but they actually get in the way of doing whatever business we can with Beijing. Airy talk about the past diverts us from confronting the disagreements of the present. It establishes a false context in which new American leaders are supposed to feel guilty for not getting along with their counterparts as well as Kissinger did with Zhou Enlai.

On questions of democracy and human rights, we need to start with the presumption that the Chinese political system isn't going to open up anytime soon. On her first trip to China as secretary of state, Hillary Clinton said she didn't want to focus on human rights issues because "we pretty much know what they're going to say." That was partially right. If the purpose of human rights discussions with China is to win over the leadership, they are pretty much a waste of breath. But the reason to keep on raising these issues is to convey our own continuing belief in the values of free and open political debate, in the hopes that others in China, outside the leadership, will hear and care.

America's perceptions of China vary from season to season. Only a year ago, as the two governments worked to stimulate their economies in the midst of the financial crisis, there was casual talk of the United States and China operating as a new "G-2," teaming up to run the world. Now, in the wake of Copenhagen and the awkward Obama trip, we get instead popular depictions of China out there on its own: China as G-1.

China might soon move to smooth things over. It could ease its currency policies enough that American and European leaders could claim a small victory. It could provide a modicum of assistance with Iran to avoid being tarred as the country that blocked sanctions. Perhaps a year from now, the ephemeral adjective popularly applied to China will switch back again from "assertive" to "flexible."

But, no matter how we describe Chinese behavior to reflect such relatively minor vicissitudes in its policies, our underlying view of the country has already profoundly changed. The United States has come to realize that its assumptions about China from the 1990s and early 2000s were quaint and time-bound, a reflection of America's overconfidence after the end of the cold war. Back then, American leaders thought China was on the wrong side of history, moving in our direction, destined inevitably to liberalize. History, alas, wasn't so sure.

On questions of democracy and human rights, we need to start with the presumption that the Chinese political system isn't going to open up anytime soon.

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The Sheriff

The semiotics of Janet Napolitano.

MICHELLE COTTLE

Running the Department of Homeland Security may be the worst job in Washington.

JACK KURTZ/NEWSCOM

For the better part of an hour, Homeland Security Secretary Janet Napolitano has been kicked back in the front cabin of Coast Guard One, the small but handsomely appointed plane on which she travels, chatting easily about the challenges of running the third-largest Cabinet department. En route back to Washington after three days of nonstop meetings in Mexico City—a whirlwind visit made more challenging by the fact that Napolitano broke her right ankle playing tennis last month and is still hobbling around on crutches—the secretary is in wind-down mode. The conference calls and briefing books have been dealt with. Her lunch has been cleared away, her legs are tucked beneath a bright blue blanket, and her voice is as low and soothing as the hum of the jet engines. Which makes it all the more startling when, asked if she'd like to run for office once her current job ends, Napolitano abruptly thonks her head down on the glossy wooden tabletop in front of her and exclaims, "Don't ask me that question!" When I persist, she looks up with a grin and informs me that, having just celebrated her first anniversary at the department, there is *no way* she's going to touch the question of what's next. Briskly turning the tables, she asks what I plan to do once *my* current job ends.

Few doubt that the hard-charging former Arizona governor, long considered a rising Democratic star, has ambitions beyond the Department of Homeland Security (DHS). Some of her colleagues joke that, having grown up in New Mexico, she'll shoot to become the first person to serve as governor of two different states. More seriously, Napolitano has toyed, from time to time, with the idea of running for Senate. Then again, attorney general was her first pick of administration posts; if things keep going south for the beleaguered Eric Holder, perhaps she could slide into his seat. Napolitano was also said to be on the Supreme Court short list last year. (One White House insider's first comment to me about the secretary was that Obama would have loved to nominate her if she hadn't been so badly needed where she is.) Going forward, if Obama decided to seek a nominee with political chops, Napolitano would be a prime contender. Then there's the presidential thing: While her single-gal status might complicate matters, she has for years been among the first mentioned whenever speculation arises about who will become our first Madame President. Not that Napolitano is commenting. Quizzed on her White House ambitions for the 2009 book *Notes from the Cracked Ceiling*, she demurred. "I mean people mention it now, obviously, because of my resumé," Napolitano told author Anne Kornblut, with "a twinkle in her eye." "But my view is, do a good job on this job, and then see what happens."

And therein lies the rub. Because, for all of Napolitano's vaunted assets, she may have the worst job in Washington—one where keeping the public safe is only part of the battle and where even minor missteps can prove professionally calamitous. Case in point: If Americans know anything about the secretary, it is likely from her moment of notoriety surrounding the attempted Christmas Day bombing of Northwest Airlines Flight 253. In the wake of the incident, Napolitano, attempting to calm holiday travelers, clumsily asserted that "the system worked." The political chattering class leapt on her with both feet. Rushing to walk back her remarks, Napolitano insisted she'd been referring only to the part of "the system" that kicked in after Umar Farouk Abdulmutallab made his move. But it

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was too late. The ferocity of the storm, in which the secretary was painted from coast to coast as a total imbecile, caught Napolitano off guard.

It shouldn't have. Americans may love to gripe about the inconveniences created by DHS, but we damn sure know where to point the finger if anything even comes close to going boom. The irony is that much of what people think of as securing the homeland—gathering intel, compiling watch lists, issuing visas—is not handled by Napolitano's troops. Moreover, counterterrorism is only a small fraction of DHS's mandate. A large chunk of its resources are devoted instead to activities that are at most tangentially related to terrorism, such as immigration control, drug interdiction, and natural disaster relief. Thus, Napolitano's already fraught job is made all the more challenging by the gulf between the public's perception of her responsibilities and the rather different reality of her portfolio. Throw in the growing pains of an ill-defined department still struggling to unify 22 agencies, a sadistic oversight arrangement subjecting DHS to the whims of 80-plus congressional committees and subcommittees, and an out-of-power GOP desperate to reclaim the issue of homeland security as its own, and you begin to see why the mission facing Napolitano isn't just thankless. It may be downright impossible.

Although born in New York City, the 52-year-old Napolitano says she's a Westerner at heart. Save for a couple of early years spent in Pittsburgh, Janet and her two siblings were raised in Albuquerque, where their dad was a dean of the University of New Mexico medical school. A brainy, competitive striver, Napolitano studied political science at Santa Clara University, where she was the school's first female valedictorian. She hit the national stage in 1991 when, as a partner in an Arizona law firm, she signed on to help represent Anita Hill during the Clarence Thomas hearings. Napolitano's involvement in the spectacle spurred *Boston Globe* columnist Ellen Goodman to declare her a political comer. Two years later, President Clinton appointed her U.S. attorney in Arizona.

It was during Napolitano's prosecutorial days that her tough-gal image took root. As U.S. attorney, she handled a couple of high-profile domestic-terrorism cases, including one tied to the Oklahoma City bombing. Elected state attorney general in 1998, she became an aggressive advocate of the death penalty, even defending Arizona's use of it before the Supreme Court. (She lost.) As governor—she was elected in 2002 in what the local press characterized as "one of the tightest and ugliest races for governor in memory"—she was the state's first chief executive to call up the National Guard to control illegal immigration along Arizona's southern border.

Napolitano's personal history fed this reputation as well. In her younger years, she was an avid mountain climber who scaled Mount Kilimanjaro. More daunting still, diagnosed with breast cancer, Napolitano underwent a mastectomy just three weeks before she was scheduled to address the 2000 Democratic National Convention. She later recalled that the pain was so intense she could barely stand. But she delivered the speech as planned. "Janet is one tough lady," says White House counterterrorism chief John Brennan.

The secretary clearly takes pride in having answered the can-she-hang-with-the-big-boys question faced by so many women pols. On our way to Mexico, she spun tales of some of her diplomatic adventures, including the annual dinners attended by the four U.S. and six Mexican border-state governors. She reminisced about one year when the U.S. participants were Texas's Rick Perry, California's Arnold Schwarzenegger, New Mexico's Bill Richardson—all machismo-heavy alpha males—and herself. Napolitano's wry smile indicates she is highly entertained by the memory. More fun still seems to have been the two-day group horseback rides across Sonora (the Mexican state that borders Arizona) she went on with Governor Eduardo Bours and his wife. Photos from the rides hang not far from a large saddle in the secretary's low-ceilinged office at the run-down Nebraska Avenue Complex (a.k.a. the NAC), where much of DHS is being housed until a permanent HQ is complete.

White House bigwigs will give you a laundry list of reasons Janet Napolitano was tapped for her job. Notably absent from the list: significant counterterrorism experience.

Napolitano's inner circle seems to delight in the boss's image. (One aide affectionately refers to her as "the sheriff," as in "don't fuck with the sheriff.") And the office culture carries a slight whiff of the boys' club. Around the NAC, the atmosphere is all business; on the road, there's more of a work-hard, play-hard camaraderie—marathon cigar-and-bull sessions with Mexican colleagues, late-night dips in the Persian Gulf. Hearing tales of her troops' antics, the secretary smiles indulgently and perhaps a bit nostalgically. Napolitano has been known to close down a bar or two in her time, but nowadays, she contents herself with quizzing younger staffers about their after-hours exploits.

Toughness aside, Napolitano doesn't cut a particularly formidable figure. Short and slightly boxy, she sports a smooth cap of gray-flecked dark hair with a prominent white thatch in front. While she can come across as somber or even inert on television, in person, she is an animated talker, and, every now and then, she'll flash what may be the single goofiest grin in Washington. She cannot bear to be idle: When she travels, if there is even a small gap between events, the secretary, an art geek, herds her staff and security detail to the nearest museum. And she remains committed to her regular tennis matches, even if the bum ankle has them on hold. (Post-injury, Napolitano requested the doc wrap her cast in alternating orange and purple bandages in honor of her beloved Phoenix Suns. "He looked at me like I was crazy," she says.)

The DHS chief craves forward motion in her work as well. Asked what frustrates Napolitano, friend and fellow Cabinet member Kathleen Sebelius says, "I think there's sometimes an impatience about the pace." This get-'er-done style is appreciated by Napolitano's boss. There are "exactly two reasons" Obama and Napolitano click, says White House deputy chief of staff Jim Messina. First, the secretary "fits exactly" into the culture of No Drama Obama. "She doesn't highlight herself. What he wanted was competent administrators to fix this government, and she's kind of the star of that." Reason two: "He doesn't like B.S., and she's not a B.S. person."

That said, Napolitano's experience playing politics is one of her assets. As a Democratic governor dealing with a Republican legislature, she had to learn how to work with everyone. This skill is vital at DHS, which has more onerous oversight requirements than other departments, with multiple subcommittees prone to demand reports or

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hearings on whatever subject strikes their fancy. Even Hill Republicans (on background) say Napolitano and her people have been good about outreach. Aiding matters, Republicans see her as politically reasonable and tend to blame the White House rather than DHS for decisions they find unpalatable.

White House bigwigs will give you a laundry list of reasons beyond political savvy that Napolitano was tapped for the job—administrative competence, legal acumen, loyalty, and so on. Notably absent from the list, as Napolitano's critics have been happy to point out, is significant counterterrorism experience. Both the secretary and the White House insist that, with a mandate as broad as DHS's, no one could have expertise in every area. But some insiders observe that, coming in, the Obama team was looking to shift, or at least broaden, the department's focus. Obama transition advisers Clark Ervin and Richard Clarke note that the administration wanted to reorient DHS away from the strict law-enforcement mentality of the Bushies. "There was a sense the Bush administration overplayed its hand" with the counterterrorism focus, says Ervin, who oversaw the DHS transition, and that the new regime should "take a more sober tone and put it in perspective."

The White House, unsurprisingly, isn't eager to engage on the subject. But the major projects Napolitano was asked to tackle early on were immigration reform and border violence, with H1N1 occasionally grabbing the spotlight. By necessity, much of her time also goes toward "nuts-and-bolts logistical issues," she says, explaining that, eight years in, DHS is still laboring to rationalize such basics as personnel and procurement policies, not to mention build a functioning infrastructure. (It wasn't until Napolitano's tenure that the e-mail system was upgraded to enable a message from the secretary's office to go out to the whole department.) With so much going on, small wonder it took the Christmas near-miss to recenter everyone's attention on terrorism, says Ervin.

For now, at least, terrorism has the secretary's full attention. In recent weeks, she has been circling the globe urging other nations to commit to improving their aviation security standards. While out West for the closing ceremony of the Winter Olympics, she delivered a big cybersecurity speech in San Francisco. By contrast, even as DHS was heavily involved in the relief efforts in Haiti, Napolitano did not play a high-profile role because the situation didn't directly involve U.S. security.

ANTHONY RUSSO

Which brings us to the formidable p.r. challenge Napolitano faces—both for herself and her department. Sitting atop what some aides jokingly refer to as the Department of Plague and Pestilence, Napolitano is the point person for almost every imaginable disaster to menace the American people: not just jihadists, but hurricanes, floods, fires, mudslides, illegal immigration, drug trafficking, human trafficking, gun smuggling, and swine flu. At the same time, she is often pushed to address security-related developments over which she has no influence (such as where to try the September 11 conspirators). "Pretty much everything's going to be your problem," says her friend and predecessor Michael Chertoff, who recalls being constantly called to the White House during his four years. "Once, I came into a meeting on some topic, and the president looked at me and said, 'You're here *again*!'" Even if the secretary is vigilant *and* lucky enough to avoid a catastrophe on her watch, the country cannot help but associate her with bad news. As one White House insider puts it, DHS doesn't have a lot of positive achievements to peddle: "If you're seeing and hearing that department, it's because there's a problem somewhere."

But Napolitano is determined to avoid being known merely as Calamity Janet. She doesn't just want to push incident-specific information out to the public; she wants to let people know that, contrary to what its name suggests, DHS is not—and can never be—wholly responsible for keeping the country safe. Rather, the broad-based homeland security "enterprise," as she terms it, relies on legions of state and local officials, federal agencies beyond DHS control—and individual Americans.

Napolitano's goal is a worthy one, says Chertoff: "The mantra of anybody in emergency management has always been that individual preparedness is the cornerstone of resilience and response." Unfortunately, it is human nature to put off the hard work of addressing such unpleasantness. Chertoff, for instance, considers it nuts that schools spend so much time getting kids revved up about recycling but don't bother to teach the need for basic disaster preparedness. Instead, Chertoff says, when disaster strikes, "people suddenly want the government to show up and protect them." The message that this expectation is unrealistic and even dangerous is a tough sell—and nearly impossible to convey without sounding like you're making excuses for non-performance.

As the "system-worked" brouhaha vividly demonstrated, striking the proper balance between educating people and spinning them is among Napolitano's trickiest duties. Yet it is not clear that she fully appreciates the precariousness of her situation even now. Asked if it's unnerving to be the public face of safety and security, she deflects: "I know there's a really bad picture of me in every airport. That's a little weird." When pressed on whether she is becoming hyper-cautious about her utterances lest she cause mass panic or, alternatively, fail to convey the urgency of a situation, she sits quietly for several seconds before dismissing the idea. "Not in that sense, no. Yes, in the sense that the press and the Internet bloggers parse our words. There's a media environment in Washington, D.C., that's much more endemic than even when you're running a state." She then assures me with a laugh, "It hasn't really caused me to change my behavior."

As Coast Guard One speeds east, Napolitano sits reading quietly. Looking to decompress, the secretary has cranked up her iPod and cracked open a new book. But just a few pages into *Impeached*, David O. Stewart's account of President Andrew Johnson's bloody battles with Congress, Napolitano starts chuckling. Listen to this, she instructs two aides and me: "Once, told that an assassin awaited him at a public meeting, Johnson started his speech by placing a pistol before him. After describing the threat, Johnson roared out, 'I do not say to him, "Let him speak," but "let him shoot!"' After long seconds of silence, Johnson remarked with satisfaction, 'It appears I have been misinformed.'"

The secretary is obviously tickled by the gumption of our seventeenth president: No cowering. No dithering. Just plop the gun down and call the bastard out. This is just the sort of grit with which Napolitano has confronted myriad challenges over the years. But she's never grappled with anything quite like DHS before. And this time, all the grit in the world may not save her from ending up as political roadkill—even if she and her absurdly unwieldy department do, somehow, manage to keep the rest of us alive. ◆

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Stanley Kauffmann on Films

FROM ITALY

HERE, REMARKABLY AND REMARKABLE, is a new film by Marco Bellocchio, a survivor of the Italian post–World War II directing galaxy. His first two films, *Fist in His Pocket* (1965) and *China Is Near* (1967), announced the arrival of a talented troublemaker. His subject was the bourgeois family in relation to a changing society—"the connection between the family and the wider political universe," the film historian Peter Bondanella said. Bellocchio has flared through the years prolifically, varying occasionally but in general lunging at conventional acceptances. His style could indeed be synoptically described as a series of lunges: some of them miss the mark, but—at least for the works of his that I have seen—they are rarely weak.

Politics and family are, in an extreme sense, his themes again in *Vincere*. (This Italian infinitive means "to win": it was a Fascist slogan.) The politics here is the story of Mussolini's rise, the family is one that he once acknowledged and then ignored. We see him first as a socialist firebrand in 1914, so we may expect that we are going to watch his conversion to Fascism and his rise to dictatorship. These matters certainly do figure in the film, but the real subject is his relation to a young woman named Ida Dalser whom he meets at a socialist meeting and who falls overwhelmingly in love with him. As the story flows on, Mussolini recedes personally to the background: Ida's subsequent life and that of their son, also named Benito, take over. (The father was named Benito because his own father admired Benito Juárez, the Mexican liberator.)

In fact, Bellocchio and his co-screenwriter Daniela Ceselli actually skimp on much of Mussolini's career. His conversion to Fascism takes place offscreen: we see that it happened, but we don't experience it. The film's interest is in the generally neglected persons in this history, Ida and her child—even though Mussolini admits that he is the father. In 1915 he marries Rachele, his formal publicized wife who accompanies him to power, and Ida cannot even produce papers to prove her claim that she and Mussolini have been married. (Bellocchio includes a shot of Ida and Benito's church ceremony, less as proof of her truth than as evidence of her possible fantasy.)

VINCERE
IFC Films

MID-AUGUST LUNCH
Zeitgeist Films

Most of the film then becomes a drama of Ida's flailing battle against ludicrously superior power, striving for recognition of her status and her son's. A good deal of the camerawork is couched in shadow, conveying visually her sequestered place in Mussolini's life. In time Fascist forces take her son away from her and make him the ward of a party bigwig. Ida is maneuvered into mental hospitals, as is the son eventually. They die—of natural causes?—in 1937 and 1942, respectively.

Mussolini was, and was known to be, a vainglorious womanizer. (I was once told by an Italian journalist that party officials in the Palazzo Venezia used to brag to one another about the number of times the Duce had slept with their wives.) The details of the Dalser story are not a secret: two books have already been published about it. Bellocchio was clearly not breaking scandalous news: his real theme is the behemoth of power and how a woman and a boy became the merest detritus in its sweep. The film's title is more than sardonic.

Bellocchio is helped greatly by the performance of Giovanna Mezzogiorno as Ida. Love is the commonest currency in film, but not often do we see the wholesouled fervor that Mezzogiorno gives to Ida. For the young Mussolini, Bellocchio used Filippo Timi, an Italian favorite who does not have the slightest resemblance to the dictator. This wouldn't matter much—Peter O'Toole did not look like T. E. Lawrence—except that after the march on Rome in 1922, Bellocchio switches from Timi to newsreel clips of the dictator himself. Bellocchio makes this switch with aplomb, as if assuming that the viewer will understand that there are (apparently) no newsreel clips of the earlier days. But is there no young and competent actor in Italy who has some resemblance to Il Duce? Well, in any case, it is cheery to see this venturesome director still slashing away at his old double theme—family relations and politics.

USING THE TITLE *Vincere* in the United States is a small act of daring: the distributor possibly counted on some historical echo in the public mind or perhaps on the last word of Pavarotti's favorite aria, "Vincero" (I shall win). But whoever chose the American title of another Italian film had a much tougher job. It is called *Mid-August Lunch*, which has little promise of anything. But the original title, translated, is *Lunch on Ferragosto*, which would be even worse for us. Ferragosto is a national holiday, August 15, when practically every Italian shop and office closes and practically all Italians are off. (Imagine trying to think of an Italian title for an American film called, say, *Lunch on the Fourth of July*.) We can only

ANTHONY RUSSO

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hope that the blandness of *Mid-August Lunch* will not hurt the reception of this exceptional film.

Almost as much as is possible with a feature, this picture is the work of one man, Gianni Di Gregorio, who wrote, directed, and stars in it. He was the co-writer of *Gomorrah*, a sanguine epic of the Camorra—the Mafia of Naples—but apparently that bloodbath was an exception for him. Now somewhere in his fifties, he began his career in the theater as an actor and director, encountered Robert Wilson and Grotowski among others, and after three years of theater work saw Scorsese's *Mean Streets*, which drew him into film. He has done a good deal of screenwriting since then.

This new film is clearly the result of all his experience, and is also a brave departure. It would be hard to list all the rules for screenplays that he has ignored here. The leading role, Gianni, which Di Gregorio plays, is middle-aged, pleasant but not forceful, unromantic. (He gets one distant look at one young woman in the whole picture.) Though he sips wine continually, he is never tipsy; he just runs on wine like a car on gas. The four women in the picture are all more than elderly—one of them is Gianni's ninety-three-year-old mother—and there is nothing like dramatic tension or a climax.

In fact, the intent of the picture is to lead us through some amusing events while we wait for a story to develop, then to conclude almost suddenly and make us realize that what we have been watching is the story. In fiction we have met this approach ever since Maupassant, but it is a rarity on the screen, and it adds to the eventual tickle of Di Gregorio's film.

We open in an apartment in Rome today—we hardly leave it. It is a large place, furnished in an overstuffed old-fashioned way. Gianni's father is apparently deceased, and there is no mention of where the money—there must have been some—has gone. Gianni is hard up and can't get a job because he has to stay home and take care of his very old mother, whom he adores. But his wan financial status doesn't seem to bother him.

At the start he is reading a novel to his mother, something he often does. (This time it is *The Three Musketeers*.) They are interrupted by the head of the condominium in which they live. He is a friend, but he reports that the board is taking action against Gianni for non-payment. Gianni is moderately concerned, but he is more concerned when this friend asks him if he can bring his mother here to stay overnight because he has to go off somewhere on something or other. The next day is Ferragosto; still, Gianni, unenthusiastic, agrees. Then Gianni's doctor, also a friend, arrives on a house call, examines his patient, then asks him if he too may bring his mother to stay overnight because his shift has suddenly been changed at his hospital and his mother's careperson has abruptly departed. Again, enforced but friendly agreement from Gianni. That's not all. The condominium man didn't mention his mother's sister, whom he also brings along. So Gianni is left with four old ladies as companions for Ferragosto eve.

The apartment is one of those European places that always seem to have still one more room, so it is only later on that Gianni realizes he will have to sleep in a deck chair on the terrace. More: the next day several phone calls tell him that the ladies will have to stay with him for Ferragosto lunch. When he faces the prospect of feeding them all, he has to scurry around the vacationing city—with a friend—to find a source of supplies. At last he comes across a man fishing in the Tiber who sells him what he needs.

The atmosphere of the film is set by Gianni's "everyman" character, which Di Gregorio amiably provides. The four women have their little likes and dislikes, the TV set has to be arranged for them, pills have to be taken, recipes are compared, there is even a hint of flirtation by one of the ladies. Gianni bounces and flexes along. He even begins to enjoy it all. This happens too to us, partly because we are watching a film—a film that actually exists—about a middle-aged man and four old women. It seems so nervy and, eventually, engaging.

Partly this is because of the close-ups. Di Gregorio does nothing at all to diminish the women's age. Quite the reverse: he focuses on them putting on lipstick, reacting to remarks, determining what they think of one another. A further jolt: none of these four women, we are elsewhere informed, is played by an actress. We have long been accustomed to effective acting by people who are non-professional—*Ajami* and *Ballast*, for two recent instances—but these geriatric ladies expand the wonderment.

Di Gregorio strives to make the style of his film unobtrusive, almost un-cinematic. He keeps the editing to a minimum. For instance, the opening shot, the book-reading, is simply held until it is finished. When he goes from one character to another, he often doesn't cut but simply moves the camera—not in whip-pans but as the eye might travel. This approach helps us to celebrate this holiday in that apartment with this odd group. More: those people and the comfy filmic means make this picture especially refreshing in the age of *Avatar*. ◆

Jed Perl on Art

GLORIOUS MISFITS

Formal values are personal values. What holds us in a painting or a sculpture is not art history but an individual's history, some inner necessity or imperative that has been expressed through the forms available at a particular time. There are classicists and there are expressionists in every age, and the twentieth century was no exception. Joaquín Torres-García, Arshile Gorky, and Anne Truitt—the subjects of three important museum retrospectives in recent months—stamp the modern century with their particular, even idiosyncratic views of the modern condition. To speak of Torres-García as a Constructivist, or Gorky as an Abstract Expressionist, or Truitt as a Minimalist, is not so much inaccurate as it is grievously inadequate. The power of their art cannot be separated from the troublesomeness of their relationship to any label, any fixed definition of style; and this holds true even though each artist was intimately involved with the definition of a style. It is the many ways in which these artists fail to fit in that finally command our attention. Their art confounds what many in the twentieth century came to regard, at first for better and as time went on often for worse, as the impersonal forces of history.

I have always been uneasy with biological explanations of human behavior. It is at the very least disquieting to find the actions of human beings explained by analogies with the behavior of ants or bees or wolves. And yet I cannot doubt that some kind of herd instinct or groupthink goes a considerable way toward explaining the persistent vision of art history, and especially of modern art history, as a race from one style to another, from Post-Impressionism to Fauvism and Cubism, and then onward to Futurism, Suprematism, Neoplasticism,

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and Surrealism. Fitting Torres-García, Gorky, and Truitt into such diagrammatic schemes is not easy. Those who take an interest in their work often form opposing camps (which itself suggests a kind of herd instinct), arguing for wildly different ways of locking them into the historical scheme.

With Gorky, there is an old argument between historians who see him as a central member of the founding Abstract Expressionist generation and historians who see him as a late-blooming Surrealist. With Torres-García, there are those who see him as essentially a member of the European avant-garde in the late 1920s and early 1930s, a friend of Mondrian, Van Doesburg, and Arp, while others see him as a South American artist, absorbed in indigenous themes, motifs, and attitudes. As for Truitt, the critical writing has located the blunt foursquare shapes of her painted wood constructions among the works of the Formalists and Minimalists of the 1960s, while the three volumes of journals that she published over the years, with their sharply etched reflections on the life of an artist who also happens to be a woman, made her at least for a time something of a figure in feminist circles—and thus, according to some observers, part of an entirely different historical continuum.

If none of the categories into which curators, critics, historians, dealers, and collectors have wanted to put these artists exactly fit, it is not because Torres-García, Gorky, and Truitt are outside of history. In the end, each of them has a relationship with the history of his or her time that is entirely his or her own. It was perhaps in response to such confounding questions that Torres-García, living in Paris in the late 1920s and early 1930s, the great age of "isms," argued that art ought to be understood as an "eternal present." "Man believes," he wrote, "that he evolves advancing toward intelligence. I believe the opposite. Man finds his place by moving toward consciousness." While Torres-García's metaphysics is not always easy to parse, he seems to suggest a movement that is not forward so much as inward, not historical so much as psychological or spiritual. Modernity for Torres-García—and I suspect also for Gorky and Truitt—is not a matter of ideas or ideals, but of a realization of the self through a process of carpentering together a coherent vision. Mari Carmen Ramírez—who organized the Torres-García exhibition at the Menil Collection in Houston—writes that for Torres-García " 'concrete' was not the contrary of 'abstract.' " To conceive an abstract art was to make one's imaginings real. For Torres-García, Gorky, and Truitt, abstraction may finally be the least abstract thing in the world.

JOAQUÍN TORRES-GARCÍA: CONSTRUCTING ABSTRACTION WITH WOOD
San Diego Museum of Art

ARSHILE GORKY: A RETROSPECTIVE
Tate Modern

ANNE TRUITT: PERCEPTION AND REFLECTION
Hirshhorn Museum

Joaquín Torres-García, who was born in 1874 in Montevideo and died there in 1949, was the son of a shopkeeper, originally from Catalonia, who also ran a carpentry business. Torres-García grew up in Uruguay and then near Barcelona, where the family moved when he was young. The works in "Joaquín Torres-García: Constructing Abstraction with Wood," which is now at the San Diego Museum of Art, might be described as inscrutable products of the carpenter's workshop: shop signs, game boards, weathervanes, toys, and implements designed not for use by an actual community but for the needs of a dream community, a parallel world of the artist's invention.

For Torres-García, whose primary allegiance was to painting, these simply crafted works suggest the re-imagining, in three dimensions, of the two-dimensional world of his canvases, in which houses, figures, animals, and everyday objects are arrayed in compartmentalized spaces that play on the rectilinear universe of his friend Mondrian. The Torres-García exhibition—which I saw at the Menil in Houston, where the austere installation was as beautiful as any I have ever encountered—reflects an urge not unusual among painters to embrace the literal possibilities suggested by their imaginary volumes. Degas, Picasso, and Matisse are some of the painters who found sculpture irresistible. Going through this show, it is easy to imagine that one is witnessing the birth of sculpture, as Torres-García moves between the most rudimentary incision of a groove in a piece of wood, the cutting of planks into shapes, the nailing of shapes on planks to create shallow reliefs, and the development of freestanding constructions.

In everything Torres-García did I feel the force of a sensibility so strong that it becomes a structural imperative. He worked with Gaudí on drawings for the Sagrada Familia in Barcelona in the first decade of the twentieth century. He was a significant figure in the drive toward a new Mediterranean neoclassicism, known in Catalonia as Noucentisme, painting murals of robed muses and muscled workers and publishing aesthetic theory as well. These works are already stamped with the feeling for earthy colors and somber contours that he brings to his abstraction in the 1930s and to a later series of portraits of artist heroes—Goya, Raphael, Titian—in which he milked caricature for psychological truth. He lived briefly in New York in 1920 and 1921, getting to know Duchamp and many members of the American avant-garde. In Paris he was swept up in the experiments of Mondrian and Van Doesburg. And in his later years, in Montevideo, he became an immensely significant force for the acceptance of abstract art in South America, with an influence that was felt long after his death.

If Noucentisme endeavored to draw a fresh classicism out of the Mediterranean earth, there was perhaps no artist who brought to this task more heartfelt conviction than Torres-García. His ochres, siennas, and grays—which from time to time achieve a mineral brilliance, approaching Mondrian's iconographic red, yellow, and blue—are protagonists in the drama of his art, not a means to an end but ends in themselves. His colors are emblematic, symbols of earth, stone, water, fire. His lines, whether drawn in paint or incised in wood, suggest humankind's first pictographs, the shape of a temple or a god, drawn with a stick on the sand as the water laps at the ancient artist's feet. At the Menil I felt how strongly this classicism is grounded not in the ideas of some architect or artist, whether Vitruvius or Mondrian, but in the primacy of craft.

To the extent that Raphael, Poussin, Puvis de Chavannes, and Mondrian were a stimulus for Torres-García, their work emboldened him to re-imagine the origins of classicism. The fundamentalism of Torres-García's art reminds me of the old Greek story of the maiden who, in tracing the shadow of her departing lover's profile on a wall, invented the art of painting. One can imagine Torres-García discovering the origins of sculpture in a cutout of a fish, perhaps sawn from a piece of wood in his father's carpentry shop and meant to hang above the door of a fishmonger's place in a Catalan village. The fundamental and the transcendental are all mixed up in Torres-García's art. In the 1920s he designed wooden toys, figures made of a few blocky forms, some of which were actually put into production. They are not entirely different from some

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of the constructions that he regarded as freestanding works of art. His art exists in a psychic region where the child and the artist merge, where play and creation cannot entirely be disentangled. It was in 1938 that Johan Huizinga published *Homo Ludens: A Study of the Play-Element in Culture*, a book that has yet to be considered in relation to the art of its day—to Torres-García, to Calder, to Miró.

Torres-García created a quotidian classicism. His search for an exactly shaped naïveté paralleled the work of Gertrude Stein, Satie, and Miró. The use of previously non-art craft techniques for high-art ends—collage, welded metal, or, in Torres-García's case, carpentry—puts us on notice that art is literally beginning again. The drama is in the exquisiteness of the sensibility that attends to this rough-hewn stuff—as fine, if not finer, than that of a master jeweler concocting Fabergé eggs. What keeps Torres-García's work from preciosity, from a facile charm, is the pressure that he imposes on blunt fact. In the beautiful *Superimposed Colored Objects*, from 1930, fourteen differently colored objects are arranged on a gray board, and it is the syncopation of their relationships that gives these elemental icons—the blue fish, the red goblet, the white house, the brown man, the black key—their scrupulous inscrutability. While the stories that Torres-García tells are not always easy to understand, their general drift is unmistakable. He spoke of his art as Constructive Universalism, and what he invariably reveals is a meandering story of travel and arrival, man and home, sustenance and celebration, with the clock faces that are one of his favorite motifs ticking off the hours and the days.

I cannot imagine a more perfect setting for the exhibition than the Menil Collection, which even now, more than a decade after the death of Dominique de Menil, still reflects her grandly intransigent vision. Here the public is invited to explore the intricacies of the modern sensibility: nothing is dumbed down, nothing is explained away. Dominique de Menil and her husband John de Menil were much interested in the relationship between modern art and Catholicism, and had their own exceedingly unconventional views of the spirit and the flesh. In the fragmentation, reductionism, and absurdism of twentieth-century art, they found responses to some of the oldest questions posed by Christianity. Torres-García's work resonates in this context. Although I would not go so far as to see his goblets and fish as exactly Christological, there is surely an aura of the transcendent about Torres-García's secularism, with its dreams of an ideal society.

Is the artistic personality always characterized by some especially intense combination of susceptibility and imperviousness? In the case of Torres-García, some such mix of powers helps to explain how he could remain absolutely himself as he moved from Neoclassicism to Constructivism. And a similar intensity characterizes the art of Arshile Gorky, who died a year before Torres-García, but was a much younger man, only in his mid-forties, driven to suicide by a battle with cancer, a catastrophic studio fire, injuries from a car crash, and deepening marital troubles. As is often the case with creative spirits who die before their time, Gorky became a hallowed figure among the friends who remembered him as they grew older. They included Meyer Schapiro, Harold Rosenberg, and Julien Levy, his dealer in the 1940s, whose *Memoir of an Art Gallery* closes with Gorky's last years and death. What all of them write about is not so much the style of Gorky's art, which until close to the end remained intimately linked with the styles of other artists, but the force of his character—a mingling, again, of susceptibility and imperviousness—that gave even his closest essays in the styles of others an autonomous power.

Joaquín Torres-García,
Superimposed Colored Objects, 1930

COURTESY THE MENIL COLLECTION

What struck early observers about Gorky was that his encounters with the art of Cézanne and Picasso and the Surrealists evinced a loyalty so intense as to suggest a new kind of independent-mindedness. In his memoirs Julien Levy is revealing about the nature of this engagement, when he writes of visiting Gorky's studio. "'Your work is so very much like Picasso's,' I told him. 'Not imitating,' I said, 'but all the same too Picassoid.'" And Gorky responded, "I was *with* Cézanne for a long time, and now naturally I am *with* Picasso." To which Levy remembered replying that he would show his work when he was *with* Gorky. As Levy was obviously well aware, Gorky's talk of being *with* another artist suggested the extraordinarily personal nature of his sense of history—not a relationship with a work but with an artist, a sort of imaginative friendship or apprenticeship. The closeness of some of Gorky's still lifes of the 1930s to Picasso's abstract, biomorphic pictures reveals, as Schapiro would write a decade after the artist's death, "a great pride and a great humility, like that of the Renaissance painters and sculptors who thought of the ancients as their true models and did not believe they could surpass them."

By the later 1950s, the artists who had been Gorky's contemporaries were recognized around the world by their signature styles. And in the face of Newman's zip, Pollock's drip, and Rothko's soft rectangles, Gorky's infinitely subtler signature served to remind people of a different kind of artistic authority. In the Gorky retrospective, this authority seems to rest, more than anywhere else, in his tremendous gifts as a draftsman, whether on paper or on canvas. (The exhibition was organized by Michael R. Taylor at the Philadelphia Museum of Art, where it was seen last fall; it is now at Tate Modern in London and travels to the Museum of Contemporary Art in Los Angeles for the summer.) From the studies for the two paintings of *The Artist and His Mother*, begun in the 1920s, through the biomorphic still lifes of the 1930s, it is in drawings, whether in pencil or in ink, that I feel something immediate and personal.

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The exactitude of Gorky's line is not entirely original. Picasso and Miró, a generation earlier, were the first artists who used the Neoclassical line, with its razor-sharp astringency, to achieve abstract ends. What is new with Gorky is some quality of treasuring that line, of lingering over it, of treating it as a force in itself. When he decisively inks the edge of a form, or when he works criss-crossing lines to create areas of deeply hatched texture, he seems perhaps more in love with the process than Picasso or Miró ever (or at least generally) was, he is celebrating the beautifully finished or polished line as a source of artistic power. Gorky is absorbed not in drawing as an end but in drawing as a means. And it is only in the early 1940s, when he finally allows himself to conceive a painting as an extended drawing, open and speculative in the way a drawing can be, that Gorky finds himself as an artist.

Everybody agrees that the appearance in New York by the early 1940s of artists in exile from wartime Europe, especially the Surrealist Matta, had a liberating effect on Gorky, who found in the younger Matta, as Schapiro later said, "a brother rather than a father"—and a brother who was close at hand, as brothers ought to be. Matta's slender lines, drawn with paint on canvas, limning curious evolutions and eruptions, by turns dreamy and disturbing, were something that Gorky rapidly made his own. Living much in the country in the 1940s, observing the grasses and the leaves up close, as if he were a latter-day Dürer, Gorky found his way to a world of burstings, meltings, glowings, and burnings—an abstract pastoral, in some respects not all that far from Kandinsky in the years before and during World War I and from Miró's most oddball and spirited works of the 1920s. What was fresh in Gorky's work was his insistent hesitation in the face of any idea of the finality of oil painting. He embraced incompleteness and unfinishedness not as a temporary experiment, as it was for Picasso or Matisse, but as a permanent state of affairs.

In the rooms in Philadelphia dedicated to the works of the 1940s, I repeatedly found something beautifully solipsistic about Gorky's painting. He paints in all sorts of different ways—thin or thick, with washes and opacities, with apparent brushstrokes or hidden brushstrokes—and each time it is speculative, a provisional response to the armature of drawing, which even when fully covered remains somehow there. In the abstracted gardens of his later art—whether they are full of young spring colors, strong summer ones, or charred and bleached winter ones—the equivocations and evasions of the paint handling embody the enigmas of nature, the never entirely predictable patterns of growth and decay, the sudden appearance of new life, the equally quick eviscerations. It is all there in his titles: *Cornfield of Health*, *Water of the Flowery Mill*, *One Year the Milkweed*, *Scent of Apricots on the Field*, *Apple Orchard*, *The Plow and the Song*.

I did not find this exhibition as satisfying as the retrospective of Gorky's drawings that was at the Whitney Museum in New York in 2003. Gorky never entirely closes the deal in his paintings—he will never quite allow a painting to become a world with its own laws and logic, its own inevitabilities and irresolvable conflicts. He is always speculating about the possibilities of painting. It is moving to find him, at the very end of his life in *Dark Green Painting*, still developing his canvases from full-drawn studies, which he meticulously squares up and transfers to canvas, a method of the Old Masters that places Gorky at a great distance from what has been said to be the improvisational methods of the Abstract Expressionists. My feeling is that by the 1940s the method of squaring off a drawing and transferring it to canvas had for Gorky its own graphic pleasure—a cultural drama associated with the Old Masters, to be contrasted with the dreamy Surrealism of his pastoral visions.

Gorky's view of nature was fueled, first and last, by his interest in the art in the galleries and the museums, and not only the art of Picasso and Miró and Kandinsky. Harold Rosenberg recalled, in his little book about Gorky, "the astonishment he aroused among Social Realists and Abstractionists alike when in a slide-lecture at the Artists Union in '36 or '37 he flashed on the screen, to illustrate a point about contemporary painting, the dragon wings and armor of a detail of an Uccello." Gorky himself speaks of the beauties of Persian patterns in a letter collected in a new volume, *Goats on the Roof: A Life in Letters and Documents*, edited by Matthew Spender. What holds finally in Gorky is the ardor of the eternal student, a besottedness with the idea of form rather than with any particular forms. Although he was in his forties when he died, his painting still had some of the speculative spirit of a man in his twenties. His art only grew younger as he grew older.

The extent to which a reputation almost invariably involves misrepresentation, a struggle between official formulas and personal formulations, threatens to distort our understanding of Gorky and Torres-García, and the same danger is certainly a factor in the career of Anne Truitt, who died in 2004 in Washington, where she had lived most of her life. Truitt's work is sui generis; it is not even clear if it is painting or sculpture. Her slender columnar forms, elongated rectangular volumes six or seven feet high or so, were made by a carpenter and then painted by Truitt in rich, surprising colors. In the retrospective organized by Kristen Hileman that was at the Hirshhorn in the fall, the gatherings of columns looked beautiful, but the presentation was not decisive enough to rescue Truitt from the controversies that have gathered around her work since it was first shown in New York in the 1960s, and became a pawn in a battle waged between the rival styles and schools of those years.

Was Anne Truitt a pioneering Minimalist? Or was she a faux Minimalist, as the sculptor Donald Judd, who was writing a good deal of criticism at the time, suggested? Or was she the anti-Minimalist answer to Minimalism, as Clement Greenberg, who was a sometime supporter, believed? These battles can feel rather antiquated now, the arguments of another generation. If you were to set one of Truitt's columns next to one of Judd's multi-colored aluminum boxes from the 1980s, they would make a lot of sense together. But neither the art historians nor the art dealers, for their somewhat different reasons, are ready to give up on the partisan battles of an earlier era. For the secondary market in mid-twentieth-century art, which is practically out of Abstract Expressionist stuff to buy and sell, the sleek art of the 1960s and 1970s is definitely a growth industry, and Truitt fits right in. The fact that Judd took the trouble to dislike Truitt aggrandizes her position, as does the fact that Greenberg wrote an article about her in *Vogue* in 1968.

Truitt was in her early forties when she began to make the painted boxes that are her signal achievements. A visit to the Guggenheim's show "Abstract Expressionists and Imagists" in 1961 is said to have been a turning point for her, with Reinhardt's dark color orchestrations and Newman's enigmatic zips releasing her to go her own way. By 1963, she was showing at the André Emmerich Gallery, along with many of the movers and shakers of the moment. The Hirsh-

ANTHONY RUSSO

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horn retrospective begins with that moment. It makes Truitt into a 1960s person, which is a fashionable thing to be. Perhaps Truitt herself did not want it understood that she had been attracted to austere rectilinear forms even earlier, as we can see from a lost piece illustrated in the catalogue, *Painted Wire Construction*, from 1952. This work suggests an interest in a Constructivist tradition that extends back to the very beginning of the century. And Truitt is aware that this tradition extends even further back. After visiting the Pieros in Arezzo, she wrote in one of her journals, "I humbly recognized in a background view of Jerusalem in *Legend of the True Cross* the direct line between Piero and my debt to him: towers of color." Truitt's speaks of being "aligned" to Piero, which echoes Gorky's talk of being "with" Cézanne or Picasso. It is a matter of intimacy rather than influence.

The need that some critics and historians feel to locate her in the ideology of a particular time and place is ironic, because there could hardly be a less ideological artist than Truitt. Her interest is in a timeless lyricism—a contemplative poetry derived from the discipline of asceticism, and perhaps fueled by some years she spent in Japan. For Truitt, the column may have something like the function that the sonnet form has for a poet: a form so ancient and so resonant as to be susceptible to infinite variations. Though she worked in a variety of formats, sometimes with slab-like shapes and sometimes with her columns incorporating asymmetries of one sort or another, by and large the most effective works are the ones where the basic shape stays basic. Moving around these tall, slender, four-sided volumes, we are constantly confronted by unexpected shifts in color. Nearly every edge is a hard edge, which only underscores the variety she achieves, sometimes carrying a horizontal band of color around the four sides, often giving the top or the bottom of a column a grace note in a different hue. Truitt understands the sensuousness of color, its power to be luxuriant, seductive, hedonistic. Her deep purples and verdant greens and lush oranges, presented on different sides of her columns, or in contrasting blocks and stripes, are so playful, so immediate, as to suggest the formalization of informal feeling. The color on some columns is light and clear, like an early morning optimism. Others are dark nighttime visions. Sometimes she spins a romance of the tropics, sometimes she alludes to the steady light of the Transcendentalists. And there is a particular pleasure in seeing these columns grouped together, so that they create families of complex forms, a forest of emotions.

Truitt emerged at a time when Formalism was the reigning orthodoxy in the art world, and without the support of Formalist critics, she probably would not have had much of a career. But she knew that the Formalists could not really explain her work. I think it was in order to frame her achievement in a way that made more sense to her that she wrote and published, beginning with *Daybook* in 1982, a series of journals in which she discussed not only her work, but also her children and her grandchildren, her husband and their divorce, her money worries and her teaching jobs and her travels. There is an exactitude about these writings that somehow parallels the exactitude of her columns, with the relative emotional openness of the journals offering a dialectical riposte to the emotional reticence of the sculpture.

What is astonishing, in turning from the sculptures to the books, is that the artist and the writer are absolutely one, the same personality expressed through radically different media. When Truitt writes of "blazing yellow maple leaves against an enamel-blue sky, heraldic colors as compelling as a bugle call," we might as well be looking at one of her columns. And as you read on, the connection only becomes stranger and deeper. Writing during a visit to Bryn Mawr, where she had gone to college, she reveals the feeling behind her impersonal columnar forms. "Like all love," she observes about her love for the college, "it touched me by way of enchantment, a spell that has lasted in the form of gratitude for the spine of discipline along which I have worked ever since." The spine of discipline is a statement about personal attitude, personal belief. But it can also be taken as a statement about the columns, with the spine of discipline that is their tall, right-angled shape, against which Truitt works her dreamy, fantastical colors.

Truitt's sculpture underscores the extent to which formal values are personal values. Her work is austere, stripped of allusive content, but at the same time highly idiosyncratic, poetically rich and romantic. I saw this retrospective in Washington on the same day I saw the Gorky exhibition in Philadelphia, not too long after seeing the Torres-García show in Houston, and in each artist I found a seeker after the new, a fervent modernist who was also in certain respects a modern contrarian. None of them had any interest in the twentieth-century fascination with the annihilation of the self, with the idea of modernism as a subsuming of the individual in some form of impersonality. With Torres-García and Truitt, impersonality is always a foil for the free exercise of sensibility, while Gorky becomes only more personal and more idiosyncratic as he goes along.

The great interest of Torres-García, Gorky, and Truitt now, ten years into the century after the modern century, resides in their ability to assess their own condition within the modern condition—to be modern, but with a difference. The idea of the modern movement as a matter of falling dominoes and historical flowcharts has nothing to do with what twentieth-century art meant to these artists. Rosenberg said that in Gorky's later work the "derivations from other painters do not cease; one might say that influences flow into him more freely than before. The difference is that they descend to the drawing board by way of the hand rather than the head." Everything becomes a matter of craft, of artistry—a process that is intimate, ahistorical. For Torres-García, Gorky, and Truitt, there is no "use by" date on modern art. These artists are modernists with old souls. But isn't that what we all are today? ◆

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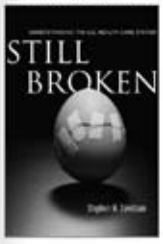

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Justin Driver

WHY LAW SHOULD LEAD

THE WILL OF THE PEOPLE: HOW PUBLIC OPINION HAS INFLUENCED THE SUPREME COURT AND SHAPED THE MEANING OF THE CONSTITUTION
By Barry Friedman
(Farrar, Straus and Giroux, 614 pp., $35)

In 1952, as the Supreme Court contemplated the set of cases that would eventually become known as *Brown* v. *Board of Education*, a law clerk named William H. Rehnquist wrote a memorandum modestly styled as "A Random Thought on the Segregation Cases." Far from a tangential observation regarding the Fourteenth Amendment's implications for racially segregated public schools, the two-page manifesto provided nothing less than a unified theory of American constitutional law. "One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind whether those of business, slaveholders, or Jehovah's Witnesses have all met the same fate," Rehnquist wrote. "One by one the cases establishing such rights have been sloughed off, and crept silently to rest." The memo further suggested that the Supreme Court elevates constitutional principle above majority preference only at its own peril: "To the argument . . . that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are."

Barry Friedman does not analyze the reasoning of Rehnquist's memo in his history of the Supreme Court, but no single document better—or more chillingly—encapsulates his book's argument. Friedman's book, like Rehnquist's memo, understands the judiciary to afford minorities protection almost exclusively on a theoretical level. "In theory," Friedman declares, "this desire to separate law and politics is an admirable one." But such a separation, he continues, remains unattainable in the real world: "the instinct to keep politics entirely separate from decisions about constitutional law is plainly impossible with regard to the Supreme Court. It simply is the case that the judiciary's capacity to give the Constitution meaning, to protect minority rights, always has been limited by popular support for those decisions."

This book represents the culmination of many years of study that Friedman has dedicated to the phenomenon that Alexander Bickel, in *The Least Dangerous Branch*, famously dubbed "the countermajoritarian difficulty." The core problem with judicial review, according to Bickel, stems from the ability of a body comprising just nine unelected people to invalidate actions undertaken by democratically elected representatives. Calling judicial review "a deviant institution in the American democracy," Bickel suggested that "when the Supreme Court declares unconstitutional a legislative act or the action of an elected executive, it thwarts the will of representatives of the actual people of the here and now; it exercises control, not in behalf of the prevailing majority, but against it."

Friedman has come to suggest that, at least since the New Deal, Bickel's concern has proved unwarranted. According to Friedman, the Court has recently acted less as a check against majority rule than as its conduit. "The function of judicial review in the modern era," in Friedman's estimation, is "to serve as a catalyst, to force public debate, and ultimately to ratify the American people's considered views about the meaning of their Constitution." While the Court may have overstepped its bounds in the past and has periodically been chastened for doing so, Friedman believes that the fundamental flaw of judicial review—its undemocratic brake on popular will—has been remedied. "Now that the justices and the public understand how things work, the system tends to rest in a relatively quiet equilibrium," he observes. "Political scientists call this anticipated reaction. The justices don't actually have to get into trouble before retribution occurs; they can sense trouble and avoid it. The people do not actually have to discipline the justices; if they simply raise a finger, the Court seems to get the message." Friedman maintains that the Warren Court itself—in the popular imagination, the most celebrated defender of minority rights—generally issued decisions in accord with popular sentiment, noting that even *Brown* received approval from a narrow majority of Americans in the months after it was decided.

Apart from its intellectual debt to Bickel, Friedman's history can usefully be understood as a modified version of an approach known as popular constitutionalism, which is most prominently associated with Larry D. Kramer. Popular constitutionalists emphasize that Supreme Court justices are not the only citizens who should interpret the Constitution. Ordinary Americans, too, should reclaim an interpretive role, because the Constitution was written for the people. Although Kramer decries the way in which everyday Americans have been marginalized from the modern constitutional order, Friedman offers a more sanguine assessment. He suggests that the people's constitutional voice is now heard more clearly than ever by the Court, as justices almost invariably interpret the Constitution in accordance with popular views. Kramer and Friedman travel different routes, but they reach the same populist destination. Kramer ended the last chapter of his book, *The People Themselves*, by imploring: "The Supreme Court is not the highest authority in the land on constitutional law. We are." Friedman concludes *The Will of the People* by declaring: "In the final analysis, when it comes to the Constitution, we are the highest court in the land."

In Friedman's view, liberal commentators who fear that the Roberts Court could shift dramatically to the right in the coming years betray a lack of historical perspective. The Court will inevitably march to the tune that the American public plays. "The decisions of the justices on the meaning of the Constitution must be ratified by the American people," Friedman matter-of-factly explains. "That's just the way it is." A Supreme Court decision, on this understanding, bears a resemblance to an opening bid in a hand of poker. "It is through the process of judicial responsiveness to public opinion that the meaning of the Constitution takes shape," Friedman writes. "The Court rules. The public responds. Over time, sometimes a long period, public opinion jells, and the Court comes into line with the considered views of the American public." In his account, the views of Supreme Court justices are, in comparison to the views of the American public, of trifling significance. "Ultimately, it is the people (and the people alone) who must decide what the Constitution means," Friedman proclaims. And so the left need not gnash

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its teeth over the replacement of Justice Sandra Day O'Connor with Justice Samuel A. Alito Jr., or about any other personnel decisions for that matter, because "the long-run fate of the Roberts Court is not seriously in doubt; its decisions will fall tolerably within the mainstream of public opinion, or the Court will be yanked back into line."

Friedman's book admirably manages to distill more than two hundred years of constitutional history into a coherent narrative that attends both to continuity and to change. And a distressingly small number of legal academics can match his lucidity or his ability to turn a phrase. Friedman's articulation of Supreme Court history represents, moreover, a view that in recent years has become ascendant in legal academia and in the wider intellectual culture. A widespread view of the Supreme Court these days is that it acts as an instrument for transforming popular sentiment into law. Yet the popularity of this view is a disconcerting development, for it offers an impoverished conception of the Supreme Court's role in American democracy.

The analytical trouble with Friedman's book starts right away, with his imprecise use of "the people." "Typically, histories of the Supreme Court focus on the justices and their decisions," Friedman writes. "Here, however, the chief protagonists are the American people." Although Friedman briefly acknowledges the methodological difficulties in capturing the sentiments of "the people," he nonetheless asserts that elites generally articulate what the masses are thinking. The book repeatedly relies upon the words of newspaper and magazine journalists to give voice to "the people." "Many of the elites whose views are recorded here were chosen or retained their places precisely because of their ability to give voice to the sentiments of their constituents and audiences," Friedman explains. "That is what long-serving politicians and successful journalists do. Sometimes they mold public opinion; more often they mirror it. In either case, they can be its embodiment."

Setting the accuracy of this assessment of politicians to the side, this is a strange notion of the journalistic endeavor. In Friedman's assessment, no journalist was more closely attuned to the sentiments of ordinary Americans in the latter half of the twentieth century than Anthony Lewis of *The New York Times*. "In a probing 1962 feature story," Friedman writes, "Lewis explained that the Supreme Court's rapid development of the law in the areas of race relations, legislative apportionment, and the rights of criminal suspects reflected 'a demand of the national conscience.' " Unburdened by data, Lewis unabashedly identified national trends that just happened to coincide perfectly with the Warren Court's jurisprudence. Lewis explained the Court's decision in *Brown* as follows: "Once again no complicated motive need be sought. The Supreme Court was reflecting a national moral consensus on segregation—perhaps anticipating a feeling that had not yet fully taken shape."

This assertion is historically inaccurate. A great deal more opposition and ambivalence greeted *Brown* than is revealed by such a tale of moral triumph. But Friedman's admiration for Lewis knows no bounds. "Though critics complained constantly that the Warren Court was running ahead of the crowd," he remarks, "at least one perceptive observer understood that the Court did what it did because the public supported these outcomes and no other organ of government would provide them. That was Anthony Lewis." In extolling Lewis's coverage of Bickel's Oliver Wendell Holmes Lectures at Harvard Law School, Friedman gushes: "Ultimately, it was Anthony Lewis who proved the Court's most perceptive spectator."

Whatever Anthony Lewis's other journalistic strengths, having his finger on the pulse of the common man is not among them. Lewis was born in New York City and attended an elite private high school followed by Harvard College. His first job took him to the *Times*. When Justice Frankfurter suggested to James Reston that the Gray Lady needed a Supreme Court correspondent, Reston personally tapped Lewis for the assignment and returned him to Cambridge, where he studied at Harvard Law School as a Nieman Fellow. Lucas A. Powe Jr. has accurately characterized Lewis's assessments of the Court as "both first drafts of history and explanations by one part of the Establishment of another part of the Establishment to other parts of the Establishment." Friedman promises Joe Sixpack, but he delivers Tony Martini.

The book's endorsement of Lewis's many national-consensus pronouncements is most egregious in the instance of the Warren Court's 1961 decision in *Mapp* v. *Ohio*, which required state courts to exclude evidence obtained in violation of the Fourth Amendment's prohibition on unreasonable searches and seizures. "Although police complained [about *Mapp*]," Friedman writes, "the decision appears to have been in line with popular opinion, at least to the extent the public was paying attention. As Anthony Lewis wrote in *The New York Times*, the Court's decision reflected 'a national moral sentiment' that refused 'to tolerate police misbehavior in any state.' " It is worth observing that three justices dissented in *Mapp*, thereby rendering it difficult to believe that broad agreement existed in the entire nation when it did not even exist at the justices' conference table. In 1961, moreover, half of the states permitted what *Mapp* forbade, including such notorious backwaters as New York. Abe Fortas, a Washington lawyer who would soon be elevated to the Court by his old friend Lyndon Johnson, called *Mapp* "the most radical decision in recent times."

More dubious still than Friedman's identification of newspaper journalists as the embodiment of popular sentiment is the frequency with which disputes within legal academia occupy center stage. Given that the book expressly purports to chronicle the shifting constitutional views of "the people," the reader can only conclude that law professors comprise a shockingly large percentage of the population. By Friedman's lights, the *Harvard Law Review* enjoyed a cultural prominence roughly equivalent to *Time*'s, and the Holmes Lectures delivered by Alexander Bickel and Herbert Wechsler were followed with an intensity usually reserved for major sporting events. Rather than covering law talk on the street corners, Friedman repairs to the comforts of the faculty lounge.

The conflation of the popular press with popular opinion leads Friedman to misdiagnose the causes of constitutional change. This analytical imprecision is vividly illustrated by the book's account of the Supreme Court's dramatic shift during the 1940s regarding the constitutionality of requiring schoolchildren to recite the Pledge of Allegiance. In *Minersville School District* v. *Gobitis*, a Jehovah's Witness schoolgirl sought exemption from the pledge requirement on the ground that participation conflicted with her religious beliefs. Writing for an 8-1 Court in 1940, Justice Frankfurter found that school districts could in fact require students to recite the pledge without violating the First Amendment.

Just three years later, however, the Supreme Court abruptly reversed course in *West Virginia State Board of Education* v. *Barnette*. There, in another challenge from a Jehovah's Witness student, the Court invalidated the pledge require-

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ment, holding that the freedom of speech included a right not to speak. Justice Robert H. Jackson, writing for the Court, instructed that the judiciary should guard against sheer majority rule: "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts."

But here is Friedman's account of the shift from *Gobitis* to *Barnette*:

> The Court's decision [in *Gobitis*] was a major disappointment for editorialists. More than 150 periodicals chastised the Court. *The New Republic* complained bitterly: "[W]e are in great danger of adopting Hitler's philosophy in the effort to oppose Hitler's legions." When the Court reversed position in *Barnette* following this barrage of criticism, critics charged that the Court had changed direction in "recognition of the unpopularity of the *Gobitis* decision."

This conceptualization of "unpopularity" is a curious one. The commentary contained in the pages of this magazine, for better or worse, has never been a reliable proxy for the views of ordinary folk. Indeed, however else one might care to disparage *Gobitis*, popularity was its long suit. Schools in fifteen states sought to expel Jehovah's Witnesses for failure to recite the pledge before the Court's decision in 1940. Yet after the Supreme Court placed its imprimatur on the practice, schools in all forty-eight states sought to do so. Moreover, violence against Jehovah's Witnesses increased substantially after *Gobitis*. Two Department of Justice attorneys examined the anti-Witness vigilantism and determined that "almost without exception, the flag and the flag salute can be found as the percussion cap that sets off these acts." This popular reception, which makes no appearance in Friedman's account, serves only to confirm the intuition that, in the midst of World War II, many Americans would have applauded *Gobitis* as an affirmation of core American values.

Although Friedman describes citizens and the Supreme Court as engaging in a "dialogue" regarding constitutional interpretation, the book depicts a thoroughly one-sided conversation, in which the people do the talking and the Supreme Court does the listening. The book's subtitle, *How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution*, all too accurately represents its limited depiction of the nation's constitutional conversation. As the public's violent response to *Gobitis* demonstrates, however, the Supreme Court sometimes shapes, rather than merely reflects, public opinion. Friedman's disregard of narratives in which the Supreme Court has altered public opinion results in a distorted view of constitutional history.

This distortion is perhaps most evident in Friedman's truncated treatment of the Court's jurisprudence regarding the right against self-incrimination. In his chapter on the Warren Court, Friedman characterizes *Miranda* v. *Arizona* as a paradigmatic instance of judicial overreach, where the Court was chastened for getting too far out in front of society regarding criminal-procedure requirements just as society was becoming increasingly concerned about crime. "Between 1965 and 1968, polls showed a jump from 48 percent to 63 percent of Americans who thought the courts were too lenient with criminal defendants," Friedman writes. "Some two-thirds thought *Miranda* was wrong, and if the polls themselves misrepresented what the decision actually said, the verdict was still in."

But the public's view of *Miranda* is a good deal richer and more complex than Friedman's tidy narrative allows. To be sure, many people initially loathed the decision, but over time (aided perhaps by police shows on television) the public came to embrace the notion that arrested citizens should be informed of certain rights. Indeed, in stark contrast to the polling data cited by Friedman, a survey taken in 2000 revealed that 86 percent of the public agreed that police should be required to comply with *Miranda*. There can be little doubt, then, that the Supreme Court in this instance expanded the public's conception of criminal defendants' rights. And this expansion would not have occurred had the Court immediately reversed course in the face of the vigorous dissent that initially greeted the decision.

The Supreme Court itself demonstrated an awareness of the way it can institutionally shape the larger society in a significant case decided ten years ago. Here is Friedman's exploration of the case in its entirety: "In 2000 the Court declined, in *Dickerson* v. *United States*, a clear chance to overrule *Miranda*. The decision was a bit of a shock, not the least because Chief Justice Rehnquist, an unyielding opponent of the *Miranda* ruling, authored the opinion for the Court." But the Court in *Dickerson* did not grudgingly decline to overrule *Miranda*. Instead, the case expressly reaffirmed *Miranda*'s vitality in light of public acceptance. "*Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture," Rehnquist's opinion for the Court observed. As if to underscore the point, Rehnquist did not open his oral delivery of the opinion in *Dickerson* by providing a factual summary or offering an overview of the legal question presented, as is typical. Instead, he began by intoning in his unmistakable baritone: "You have the right to remain silent." For a book that is centrally concerned with the relationship between public opinion and Supreme Court decisions, Friedman's meager treatment of *Dickerson* is perplexing.

It is certainly remarkable that Chief Justice Rehnquist wrote the Court's opinion in *Dickerson*, but for reasons that are of greater significance than his capitulation to *Miranda*. Shortly after Rehnquist first appeared on the national stage (as a nominee for the position of associate justice in 1971), he received a crash course in how Supreme Court decisions can fundamentally alter the public's understanding of the Constitution. The infamous "Random Thought" memorandum that he authored as a law clerk, in addition to its abstract ruminations regarding the futility of judicial efforts to protect minorities, contained the following concrete conclusion: "I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by 'liberal' colleagues, but I think *Plessy* v. *Ferguson* was right and should be reaffirmed." Such a view was not decisively outside of mainstream understandings of the Equal Protection Clause in 1952. A mere nineteen years later, however, that view had become so unacceptable that an aspiring Supreme Court justice could not hold it (or even confess to having held it in 1952) and expect to be confirmed. So, backed into a corner, Rehnquist admitted that he wrote the damning words, but claimed (rather incredibly) that the words captured not his own thoughts on school segregation, but those of Justice Jackson.

Wherever one comes down on the burning academic question of whether *Brown* served to hasten or to retard racial progress, it is beyond dispute that the Supreme Court's decision (and the ultimate acceptance of that decision as legitimate by the public) served to create a new understanding of the Equal Protection Clause's commitment to racial equality.

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This chronological sequence—the Court decides, and then the public eventually accepts the decision—merits discussion, as it broaches perhaps the most confounding assertion in Friedman's book. Friedman appears to believe that it is insignificant that the Court, say, struck down school segregation laws in 1954 rather than re-affirming *Plessy*'s doctrine of separate but equal. "The magic of the dialogic system of determining constitutional meaning," he asserts, "is that it works whether the judges rule properly or not—precisely because everything important happens after they render their decision. What history shows is assuredly not that Supreme Court decisions always are in line with popular opinion, but rather that they come into line with one another *over time*." Extolling the importance of "dialogue," Friedman makes it clear that he conceives of a Supreme Court decision largely as a conversation piece, a starting point to get the people talking. "What matters most about judicial review … is not the Supreme Court's role in the process, but how *the public reacts* to those decisions," Friedman explains. "This is the most important lesson that history teaches."

This argument not only belies history, it also clashes with political science and, at the risk of appearing woefully naïve, with law. Friedman's argument runs afoul of political science because it is predicated on the notion that citizens actually follow the decisions that the Court issues. After all, it is difficult for public debate to arise if the Court's decisions are unknown to many citizens. And everything that we know about public awareness of the Supreme Court's decisions suggests that it is abysmal.

Turning to the law, no serious person—except one whose job prospects entail testifying before the Senate Judiciary Committee—would contend that the Supreme Court simply applies existing law to facts in order to derive legal conclusions. Almost as risible, however, is Friedman's contention that Supreme Court decisions principally function to spark conversations regarding the Constitution's meaning. Determining what the Constitution permits and requires is a topic of continual debate, and the understandings of some of its provisions have no doubt changed over time. Acknowledging this reality, however, does not require acquiescing to the belief that constitutional law is utterly divorced from text and precedent and principle, or that it almost invariably is coterminous with what even an overwhelming percentage of people say that it means. Moreover, the most salient fact about popular opinion is not its reliability regarding difficult and even arcane matters of law, but its manipulability and its volatility. Constitutional interpretation cannot simply sway to the vagaries of public opinion.

ANTHONY RUSSO

Friedman consistently argues that the Court should not deviate from public opinion if it values its reputation: "If the Court engenders widespread resistance, it threatens its legitimacy; even lower levels of defiance eat away at its credibility." Contrary to Friedman's view, some initial public defiance might serve to enhance rather than decrease the credibility of the Supreme Court, provided that the defiance eventually yields to acceptance of the Court's decision as just. In other words, the massive resistance in the face of *Brown* may have elevated the Court's status in the eyes of the public precisely because the Court was perceived as having led the nation in the march toward racial justice. To the extent that people today are inclined to disagree with Supreme Court decisions at the outset, they may well silence themselves so as to avoid resembling the opponents of racial integration in the 1950s—both in their own eyes and in the eyes of others. Under this view, the Court can at least sometimes gain legitimacy when it is perceived not as saying "yes" to the people, but as saying "no."

Although Friedman contends that Supreme Court decisions will almost inexorably reflect public sentiment, constitutional law is considerably more indeterminate than this view allows. Consider, for example, how unrecognizable the contours of contemporary constitutional law would be had George H. W. Bush won re-election over Bill Clinton's challenge in 1992. Instead of Justice Ruth Bader Ginsburg and Justice Stephen G. Breyer, we might well have Justice Kenneth W. Starr and Justice Laurence H. Silberman. Those two personnel changes would surely mean that many 5-4 and 6-3 decisions in vital areas of law would have been decided with very different results.

Apart from the ideology of the particular justices, moreover, the book's conception of the Court as a body that ineluctably issues decisions that reflect public opinion unduly diminishes the role that courage plays in judging. It was not easy for the justices to issue *Brown*, even if that decision was favored by a narrow majority. Neither was it easy, say, for the justices more recently to invalidate anti-sodomy laws. To view these decisions as somehow foreordained by the zeitgeist negates the significance of judicial character.

Perhaps no recent case better illustrates the public's acceptance of even unpopular decisions than the lack of outcry generated by *Kennedy* v. *Louisiana*, a 5-4 case decided in 2008, which deemed it unconstitutional to execute a defendant who raped (but did not kill) a child. Viewed through Friedman's prism, it is tempting to understand *Kennedy* as yet another instance of the Court reining in an outlier. After all, Louisiana was one of only six states to permit capital punishment for child rape. Left to a popular vote, however, it is difficult to believe that a majority would not want—at least in certain circumstances—to reserve the right for juries to impose the death penalty in such cases. Imagine the response to a poll question that asked people whether they agreed that the Constitution prohibited capital punishment for child rapists—regardless of how many times the defendant rapes a child, regardless of how young the rape victim is, and regardless of the rape's brutality. But we need not imagine the public's response to a poll question to appreciate that the decision would not garner support from a majority of citizens. A Quinnipiac University poll taken in the wake of *Kennedy* revealed that 55 percent of respondents favored the ability of juries to impose the death penalty for persons convicted of child rape and only 38 percent opposed it.

Kennedy nicely exposes a problem with the view that public opinion nearly always guides the Court, because one cannot contend that the decision simply did not possess the raw ability to capture the public's attention. For one thing, the decision was issued in the midst of a historic presidential race with the attendant media glare, and was denounced by both

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John McCain and Barack Obama. For another, the case was a potent cocktail composed of equal parts crime, sex, youth, violence, and death. Yet *Kennedy* did not kick up a firestorm of protest. Instead, as is often the case, the public slept.

Friedman frames his book as a description of judicial review as it has actually evolved, and generally eschews consideration of the normative implications that might be drawn from this history. But the distinction between the positive and the normative cannot be drawn so neatly. Indeed, at times Friedman seems to issue warnings to Supreme Court justices about the dangers of issuing decisions that conflict with public sentiment: "The most telling reason why the justices might care about public opinion … is simply that they do not have much of a choice. At least, that is, if they care about preserving the Court's institutional power, about having their decisions enforced, about not being disciplined by politics." Friedman then proceeds to list the myriad ways in which the public has disciplined the Court throughout history. "Americans have abolished courts, impeached one justice, regularly defied Court orders, packed the Court, and stripped its jurisdiction," Friedman explains. "If the preceding history shows anything, it is that when judicial decisions wander far from what the public will tolerate, bad things happen to the Court and the justices." If the justices know what is good for them and for the institution that they serve, Friedman seems to admonish, they would presumably do well to spend less time reading precedents and more time parsing polling data. But it does not much matter whether the justices gauge the polls accurately, because the people will—somehow—rectify the constitutional interpretations that they deem erroneous.

By the time the reader arrives at this near-total absorption of the Court into "the people," one might be forgiven for asking precisely what "institutional power" the Supreme Court is purported to possess. The book's anemic notion of "power" drains the word of all meaning. "If anything should be evident by the conclusion," Friedman writes, "it is that the Supreme Court exercises the power it has precisely because that is the will of the people." In his discussion of the Court during Reconstruction, Friedman observes that "by abandoning blacks and embracing corporations, the Court rose to the pinnacle of power." If this represents judicial power, one shudders to contemplate judicial weakness.

Let us hope that the justices do not heed Friedman's warnings. Justices of the Supreme Court most assuredly are not umpires, as Chief Justice Roberts has continually demonstrated in his brief time on the Court. But neither are they spectators at a game whose primary responsibility is to alter their judicial interpretations so as to cheer on whichever team happens to be winning. The popularity of a view tells us—and the justices—nothing about its merit. Scholarship that encourages the justices to conduct themselves in such a conformist manner seems unwise and even dangerous, not least because the justices on the current Court seem particularly ill-equipped to divine the preferences of a majority of Americans.

When majorities are permitted to dictate the rights of minorities, which groups will have their rights sacrificed? Religious minorities, racial minorities, sexual minorities, illegal immigrants, terrorism suspects, defendants in capital cases, and even garden-variety criminal defendants: none of them should have their constitutional rights determined by a show of hands. The only hope for many of these groups, and for others, is often to be found behind courthouse doors. None of this is to say that these groups should win every time that they appear before the Court; it is only to suggest that they should not lose if the Constitution favors them but a majority of the American people opposes them. Ruling for Goliath when legitimate methods of constitutional interpretation merit siding with David is not judicial statesmanship. It is judicial abdication.

The Warren Court's prominent decisions attracted a generation of law students beginning in the 1950s. Many of those students sought to use the law to re-shape society in a more just fashion. Today, in contrast, many public-minded individuals view it as a mark of deep sophistication to dwell upon the law's inherent limitations. Indeed, so widespread are the arguments regarding what law cannot achieve that too many have lost sight of what law can affirmatively accomplish.

The biggest threat to the Court's legitimacy is not, as some would have it, scorn from large segments of the public, or even from elected representatives. It is abject defeatism about law's ability to protect the powerless. The Court's legitimacy would be truly imperiled if the justices were widely understood as issuing opinions with the primary aspiration that their rulings would be ratified by popular opinion. Even if the Court should occasionally be rebuked in an effort to protect minority rights over the opposition of a majority, there are worse fates. The judicial rationalization of power is one of them. When the judiciary invariably sides with winners, it is the people who lose. ◆

Emily Wilson
STOICISM AND US

MARCUS AURELIUS: A LIFE
By Frank McLynn
(Da Capo Press, 684 pp., $30)

A GUIDE TO THE GOOD LIFE: THE ANCIENT ART OF STOIC JOY
By William B. Irvine
(Oxford University Press, 314 pp., $19.95)

Barbara Ehrenreich's latest book, *Bright-Sided*, offers a damning indictment of the ideology of positive thinking, which she sees as the fundamental flaw in American life. When she found herself diagnosed with breast cancer, Ehrenreich was shocked to discover that doctors, fellow patients, and counselors all urged her to treat the diagnosis as a blessing in disguise and an opportunity to enjoy a range of infantilizing consumer products (such as teddy bears adorned with pink ribbons)—to embrace the idea that cancer might be "the best thing that ever happened to her," rather than respond with any of the emotions that Ehrenreich herself found natural, such as horror, grief, and anger. Ehrenreich suggests that the problem of relentless positive thinking, and the corresponding refusal to acknowledge reality, is largely responsible for all kinds of social ills, including our current financial mess. She argues that only if we begin to recognize hard facts—such as the presence in our society of poverty, inequality, unemployment, and debt, as well as cancers

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that can kill us no matter how much pink we wear—will we get sufficiently angry about these things to fight for a cure.

If Ehrenreich is right—and, broadly speaking, I think she is—then it makes sense to start looking for alternative ideologies with which to equip ourselves more adequately for hard times. Ehrenreich herself traces the roots of American positive thinking back to American Calvinism: she sees our insistence on mindless cheeriness as a backlash against the gloom of our forefathers. But pure gloom, of this particular Christian variety, is not the only philosophy designed to help people respond realistically but calmly to suffering. There is another obvious alternative, a more ancient one: it is Stoicism, a philosophy founded in Athens by Zeno in the fourth century B.C.E. as a version of the philosophy of Socrates. Stoicism developed and flourished for at least another five hundred years, into the later Roman Empire. The last major ancient Stoic was the emperor Marcus Aurelius (121–180 C.E.), whose *Meditations* amply demonstrate his deep engagement with the philosophy that he learned with Rusticus, his tutor.

Ancient Stoicism was not identical with "stoicism" in the modern sense, although the concepts overlap. A modern "stoic" is a person who puts up with pain or suffering without complaining, without expressing any sign of emotion. The Stoics, by contrast, did not aim at emotional repression—as Margaret Graver's excellent study *Stoicism and Emotion* recently reminded us—but at retraining our emotional responses. They thought that one could achieve a state of consciousness such that the things most people mind about—such as physical pain, and all the things that usually cause us anger, grief, frustration, and so on—would no longer feel important. The point is not to pretend that sickness, death, and dishonor do not exist, or to deny the facts of loss, as in modern positive thinking. Instead, a true Stoic would be genuinely unaffected by the undeniable reality of such external losses. In modern terms, your lost job and lost career prospects, your now-worthless 401(k) account, your professional and social humiliation and isolation, your bankruptcy, your foreclosed home, your cancerous breasts, your dead children—all are, from a Stoic perspective, "indifferent." What matters, in good times or bad, is not whether you have a job, an income, a family, or a home, but whether you have the inner strength to realize how little such things matter.

The Stoics taught that reason is the guiding force of the world, and ought to be the guiding principle of each human being. Thinking, and trying our best to discover the truth about the universe as well as about human life, is part of our duty as Stoics. Rather than shut our eyes to the truth, we must work to make it acceptable emotionally. Everything happens for a reason, and if we could only align our feelings and actions with our reason and with the forces of the universe—"live in accordance with Nature," as the Stoic slogan had it, or "want what is"—we could live a life of perfect virtue, and hence, perfect tranquility.

One of the most interesting questions about the perennially fascinating Marcus Aurelius is how his Stoicism—explored privately in the jottings that he kept as philosophical reminders to himself, which we know as the *Meditations*—related to his public actions as the ruler of a vast and complex empire, which included about one-fifth of the total population of the world. Was he, as historians have traditionally claimed, the last of Rome's "good emperors," a rare example of a truly successful philosopher-king? The *Meditations* are a favorite of Bill Clinton's: would the world be a better place if all world leaders imitated Marcus's Stoicism?

The question seems particularly relevant at the moment, since Marcus Aurelius faced problems that are strikingly similar to those of our own time. The events of his rule included a severe economic crisis; a growing gulf between rich and poor; a series of apparently endless, costly, bloody, and controversial wars in multiple parts of the empire; new plagues bringing death and terror to the domestic population; a culture increasingly addicted to violent and mindless forms of entertainment; and growing religious fanaticism, including the presence of a new cult that encouraged its members to martyr themselves for their cause. It all sounds darkly familiar. Was his Stoicism a help or a hindrance in his attempts to manage these social and political dilemmas?

The *Meditations* themselves suggest a complicated answer. On the one hand, Marcus urges himself not to be corrupted by court life and by the distractions of power. "Watch out, don't get Caesarified," he tells himself, coining a verb. On the other hand, he remembers the Stoic idea that "where life is possible, it is possible to live well"—even in a palace, and even, presumably, on campaign in the cold distant provinces of Germania, away from sunny Italy. Philosophy is Marcus's true mother, the rival to imperial power, his "stepmother"; but philosophy is also invited to inform every aspect of his life, including his imperial duties.

But now a sprawling new biography, pasted together by Frank McLynn, a nonspecialist freelance writer, paints a very different picture, presenting Marcus's philosophy as the root of all his troubles. McLynn is sympathetic to Marcus himself, as a ruler and as a human being, but he is bitterly hostile toward his Stoicism. "A more priggish, inhuman, killjoy and generally repulsive doctrine would be hard to imagine," he declares.

McLynn is no philosopher, and his account of the supposed contradictions within Stoicism is unreliable and muddled. He says, in one of his more lucid moments, that Marcus, "as a Stoic emperor," faced the problem that he had to love mankind, but also to despise what they wanted and hate what they loved. McLynn intuits—although without putting it in these terms—that there is a tension in Stoicism between our duty to other people and our duty to ourselves. The Stoic ought to feel that nothing is of real value for her, except being good; but she also has a duty to help other people in all kinds of ways that may have nothing to do with increasing their virtue.

The paradox here, I would argue, is only apparent. Stoics could draw a fairly commonsensical distinction between the way a person ought to feel about her own poverty or bad health (namely, calm in the knowledge of how little such things matter in the general scheme of things) and the way she ought to feel about somebody else's suffering (namely, duty-bound to help). Stoics could also draw an essential, and again obvious, distinction between past, future, and present suffering. If my child has already died, I may well need advice on how to avoid going mad with grief. But this does not imply that I ought to do nothing to prevent her future death.

One might still wonder why Marcus Aurelius adopted Stoicism in the first place, and whether it helped him to be a better emperor, or to bear more calmly the pressures of his role. McLynn oddly sidesteps these questions, and instead often writes as if all the essential facts about his subject had been predestined. He sneers at the Stoic belief that "the only journey worth taking was an internal one," and comments that this was "not a good mindset for one fated to spend frozen winters campaigning in the desolate northern wilderness." This formulation entirely neglects the fact that both the Stoicism and the wars were Marcus's own decision, not his "fate."

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When he was about eleven, Marcus was inspired by a tutor to take up philosophy. He began sleeping on the ground, until his mother persuaded him to quit. But unlike most fads adopted by eleven-year-olds, Marcus's commitment to philosophical asceticism turned out to be lifelong. In later adolescence, he turned away from the training in rhetoric offered by one of his tutors and instead became committed to Stoicism. Marcus himself, in the *Meditations*, expresses gratitude to his early philosophical teachers, who blessed him with the capacity for genuine self-awareness, and with "moral freedom, the certainty to ignore the dice of fortune, and have no other perspective, even for a moment, than that of reason alone; to be always the same man, unchanged in sudden pain, the loss of a child, in lingering sickness." Stoicism was a philosophy that could confer upon him a sense of equilibrium, even in the worst of times.

Being the emperor of Rome was not an easy task, especially in a time of economic crisis, rebellion, plague, and war—at the moment when, according to Gibbon, the Roman Empire was beginning its precipitous decline and fall. Whether or not Marcus himself wanted power, greatness was thrust upon him at a young age. When the emperor Hadrian, who had no son, adopted Antoninus Pius as his heir to the throne in 138 C.E., he made it a condition that Antoninus must adopt both Marcus—who had long been a favorite of his—and Lucius Commodus (later Lucius Verus) as his own sons, ensuring a stable future for the empire. Thus Marcus became, at the age of seventeen, the second in line for the empire; and he would spend the next twenty-three years at Antoninus's side.

The anticipation seems to have filled him with a combination of pride and dread. We have one clue to his mental state at the time. An ancient historian tells us that after the adoption, Marcus dreamed of having shoulders made of ivory. E. R. Dodds suggested long ago that the dream suggested an acute "identity crisis," a sense that his public and private personae could not match up. This interpretation was recently challenged by Pierre Hadot, who argued that Dodds was indulging in an anachronistic projection: to a person in antiquity, the idea of ivory shoulders would immediately have suggested the story of Pelops, whose body was served up to the gods. His shoulder was eaten by Demeter, and he had to have an ivory one substituted, when he was rescued and revivified by the goddess of fate. Hadot concludes that the dream was a good sign: the shoulder of Pelops was notoriously beautiful, inspiring admiration and desire in the god Poseidon.

McLynn asserts that Dodds was right, but he makes no mention of the story of Pelops. Instead, he insists that it is not anachronistic to apply psychoanalytic tools to the ancients. This may be true, but it is hardly the point. A better counter would have been to notice the imaginative complexity of the myth itself, which suggests that the ancients themselves did not necessarily think it always a blessing to be desired by a god. The dream implies that the adolescent Marcus imagined his future life with some ambivalence: becoming emperor was like being made one of the company of the gods, but it also involved being slaughtered and eaten, and as a result becoming not quite fully human.

Marcus became emperor on the death of Antoninus Pius in 161 C.E., when he was forty years old. He immediately appointed Lucius as his co-emperor, in loyalty to the wishes of Hadrian—and as a way to co-opt a potential rival. The gesture was a signal of Marcus's commitment to "consensus building" and teamwork: the new emperor was willing to join forces even with the party-going playboy Lucius. It was the first time Rome had been ruled by two emperors at once.

It was also a time when Rome's troubles seemed to double, or quadruple. In 162 C.E., Rome was flooded, and the city suffered famine. The imperial treasury was more or less bankrupt. Marcus made the impressive gesture of selling off palace property in the Forum, and he debased the currency multiple times—perhaps the ancient equivalent of offering repeated stimulus packages.

At the same time, the new emperors were confronted by rebellions in several regions of the empire. The Parthians were resisting Roman power in the east, while the Britons and the tribes of Germania were becoming restless in the west. Marcus was arguably unprepared for war, a point emphasized by McLynn: he had never been abroad, having spent the whole of Antoninus Pius's reign by his side, so that at the age of forty he was trained only in domestic policy. Lucius was sent in Marcus's stead to campaign against the rebellious Parthians in Syria. He was triumphant—but the returning army brought back plague as well as victory. The plague spread through the whole empire in the years 165–180 C.E., and about five million people died. The resulting shortage of manpower increased the difficulties of Marcus's long campaigns against the Germanic tribes in the west.

Marcus spent most of his last decade, until his death in 180 C.E., out in barbarian territory. The *Meditations* were composed while on campaign. This strange and beautiful book—mistakenly described by McLynn as Marcus's "diaries"—is not an autobiography, a memoir, or a set of "confessions"; and, despite the disjointed feel of the writing, Marcus probably did arrange his work with some kind of publication in mind. The *Meditations* are unlike any other text from antiquity, in that they are addressed not to an audience, a reader, a friend, or a patron, but to the writer himself. They offer a fascinating, but also puzzling, glimpse into the private mind of a public man.

The *Meditations* say almost nothing explicitly about contemporary events, but they are full of references to disease, to war, to anger and conflict, to death. If Marcus's life had been easier, pre-

Self-reliance

Early American iron chandelier,
Suspended overhead, exacting parent,
Whose motto is To thine own self be true—
A rebuke meaning I've become transparent?

Vocal hallucination, coffee cup,
Writing implements. Notes. Memory
(Involuntary). Old thoughts, new thoughts. Where
Do they plan to go in this wrecked century?

And stumbling out of bed at seven-thirty
Seared, jolted, a cut-rate resurrection, doors
Slammed on a forum I'd just left, its game,
Fend off advice from twenty counselors.

Composure slipped back in with dawn's blue light....
Even on types universally despised
I wouldn't wish the tenth of what has happened.
They'd all have been completely pulverized.

And what was my escape route? Facing down
Icy absurdities best not to name,
Mental and physical unease: to accept,
And bother almost no one about them.

ALFRED CORN

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sumably he would not have needed to write them. The only direct reference to his public work as a warrior-emperor suggests that on some level the emperor regarded his triumphs as not merely trivial, but also as borderline wicked: "A spider is proud when it catches a fly, a man when he snares a hare, another when he nets a fish, another wild boars, another bears, another Sarmatians. If you test their principles, aren't they all pirates?" Perhaps he regretted the fact that he had devoted his own life so consistently to warfare. The Greek historian Cassius Dio recorded that in his last illness, as the story went, he repeatedly called out: "This is the kind of thing that terrible war achieves!"

Yet McLynn rightly emphasizes that we should be wary of seeing Marcus Aurelius as a modern humanitarian, and he was certainly no pacifist. Marcus apparently had no objection to practices that would seem like war crimes to most of us, including the use of torture and the execution of prisoners in order to save supplies for the Roman troops. War was also an essential element in the emperor's public self-presentation: the Column of Marcus Aurelius in Rome (which may have been erected in his lifetime) depicts the emperor presiding over the destruction of Germanic villages and the slaughter of the male inhabitants—acts apparently blessed by the gods, who authorized the "rain miracle," averting a storm to rescue the Roman troops. It seems to me likely—although McLynn does not draw this conclusion—that Marcus believed that violence, cruelty, and enslavement were justifiable, but only in the service of Rome.

Marcus was, at a fundamental level, a Roman patriot. In some passages of the *Meditations*, he urges himself to act as a "citizen of the universe," and to "live as if you were on a mountain." But Rome was far more than just one place in the world. It was an idea, and one which was intimately connected with Marcus's sense of his dignity and his integrity. "Every hour, give vigorous attention, as a Roman and as a man, to the performance of the task at hand." In theory, a Stoic might have regarded nationality and gender as mere indifferents: a non-Roman woman ought to be quite capable of acting with virtue. But for Marcus the interrelated qualities of being male and being Roman lay at the heart of what he was most proud of in himself. Marcus had no thought of giving up any of the old traditions or possessions of Rome: even if the provinces of Germania proved enormously troublesome and expensive, no part of the empire could be abandoned.

In the service of the empire, Marcus was an extremely diligent ruler, often staying up late at night working on his official duties. His health was poor—he suffered from stomach pains, aches, and insomnia—and his personal physician, Galen, prescribed a drug to help him get to sleep, which contained opium. Predictably enough, much has been made of this. McLynn, probably rightly, is skeptical about claims that the metaphorical flourishes of the *Meditations* are symptoms of opium addiction. He takes a similarly dismissive attitude toward various other tabloid-ish modern theories, including the idea—which has been suggested on the basis of the endearments expressed in their correspondence—that Marcus and his tutor Fronto might have been lovers.

The passion with which Marcus struggled most seems to have been not love, but anger. He writes: "Say to yourself at dawn: I shall come across people who are interfering, ungrateful, aggressive, treacherous, envious, unneighborly. All these things have happened to them because they do not know good from evil." Marcus concludes that he, blessed with superior understanding, ought to be tolerant toward those who don't get it. This unclubbable attitude did not inspire love from the troops with whom he campaigned, and Marcus was aware of his own distance from his men. In a suggestive passage of the *Meditations*, he imagines that at the deathbed even of a "noble and wise man," there is likely to be some naysayer who will comment, "At last we can breathe again, free from this schoolmaster! Of course he was not harsh on any of us; but I always knew he silently despised us."

But in theory, Marcus, like all good Romans, valued community very highly, and was conscious of the danger posed by those who failed to be properly integrated into the group. He claims in the *Meditations* that there is really no significant difference between the individual and the community: "What does not benefit the hive, does not benefit the bee." This is one angle through which we can understand one of the most controversial facts of his reign: the fact that under this philosopher-emperor, more Christians were persecuted and martyred than ever before. It is possible to argue that the increase was pure coincidence, not the result of Marcus's own policies; but it seems more likely that the emperor really saw something problematic and dangerous about the presence, within the enormous multicultural community of the empire, of people who obstinately refused to worship the usual Roman gods. The Christians were the religious fanatics of their day. In the *Meditations*, Marcus comments that a true philosopher's courage in the face of death should be quite different from the brainwashed "obstinacy" of the Christians. Their willingness to die, he suggests, is not the result of thoughtful decision and daily practice, but mere brainwashing and "histrionics."

For Marcus—as for other Roman Stoics, such as Seneca—one of the most important goals of philosophy is to face death with equanimity. Lucius, Marcus's co-emperor, died of the plague in 169 C.E., and Marcus must have known that the same could easily happen to him. In the *Meditations*, one of his most important rhetorical moves to make exile, war, death, disease, and dismemberment less scary is to turn them into metaphors. Wickedness is a "mental cancer"; dismemberment is an image for "failing to accept one's lot"; "life is like war and a sojourn in a foreign land." Metaphor shifts the wars and the mutilations that Marcus had conducted away from the sphere of reality: the real things are the abstractions, not the material facts of the body. One might speculate that Marcus's struggle to overcome an intense fear of death was at the root of both his Stoicism and his warmongering. In one passage, he reminds himself that "Alexander, Pompey and Caesar devastated whole cities, any number of times, and cut to pieces thousands of cavalry and footsoldiers in battle; yet they too eventually died."

The constant contemplation of other people's deaths must have been one reason why Marcus thought so much about his own. Nine of his children, and eventually his multiparous wife Faustina, died before him. In living through years of plague at Rome and battle in Germania, he lost many friends and comrades. In the *Meditations*, Marcus commemorates the early deaths of his loved ones, but tries to transform these losses into acceptance. A notorious passage of the *Meditations* advises, "As you kiss your son goodnight, whisper to yourself that he may be dead in the morning. 'Don't tempt fate,' you may say. By talking about a natural event? Is fate tempted when we speak of grain being reaped?"

Clearly, there is sleight of hand in the shift from dead child to harvested grain. There is, at the heart of Stoic consolation, an unlikable tendency to claim that the sense of loss is really a delusion ("though it may look like—*write it*—like disaster"). But the practice of imagining one's child's death, training oneself

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in the art of losing, is not, in itself, a sign of being unfeeling, but the opposite. You would not bother preparing for the possibility of your child's death if the death of a child were easy to bear. Rather, the Stoic practice of imagining future loss is designed to help a person prepare for events that might prove devastating—and which may be unavoidable. "Pray not for some way to save your child," Marcus urges himself, "but for a way to lose your fear of this."

There is a sharp contrast here with the "positive thinking" identified by Ehrenreich as a psychological maneuver that induces a false sense of security rather than real calm. Ehrenreich tells the story of the father of a missing soldier who declared on CNN that "the positive thoughts are very important right now"—and she mordantly comments that "positive thoughts notwithstanding, the soldier's body was found in the Euphrates River one week later." Perhaps that father would have been better equipped to deal with his grief if he had allowed himself some negative thoughts in advance. Or perhaps nothing can prepare one for such loss.

The fear of loss is so intense in Marcus Aurelius that it sometimes overwhelms many avenues of possible joy. An uninspiring theme of the *Meditations* is the idea that life holds no promise of happiness, or beauty, or any kind of discovery. Marcus urges himself to remember that sex is only a little friction, then a spurt of mucus. "A man of forty, if he is slightly intelligent, has seen everything there has been and everything there will be, because of the uniformity of things." McLynn rightly contrasts this attitude with that of Plato's Socrates, who realized every day how little he knew.

But there is another strong argument for negative thinking, and it is that it may encourage a sense of gratitude and appreciation in the present. A new pop-philosophical defense of Stoicism as a modern way to live, William Irvine's *A Guide to the Good Life*, argues that "negative visualization" is one of the most useful techniques that we can adopt to encourage a realistic sense of joy in what we have, while we have it. Stoics learn to "love that well which thou must leave ere long." In remembering the precariousness of all our happiness, we may feel it all the more intensely while it lasts. This need not be doom-mongering, but a genuine source of gratitude for what we have, while we have it.

When Marcus Aurelius died in 180 C.E., he left his beloved empire to his only surviving son, Commodus. In Ridley Scott's movie *Gladiator*, Marcus makes a vain attempt to deflect the succession of the empire away from his wicked son Commodus to the upstanding figure of Russell Crowe, who plays the fictional character Maximus. In real life, we have no evidence that Marcus wanted anybody other than his own horrible son to succeed him. Perhaps he did not really have a choice: in the presence of a surviving son, the appointment of anybody else would surely have resulted in civil war. Commodus immediately abandoned most of his father's projects, including the long war in Germania.

Marcus Aurelius's reign achieved nothing of permanent value for Rome—except the *Meditations*. Unlike most conquerors, he knew that his work would come to nothing. He was conscious of the impermanence of his own achievements. "Little then is each man's life, and little the corner of earth he lives in, and little even the longest survival of his fame with posterity, and that too passed on through a succession of poor mortals, each one of them soon to die, with no knowledge of themselves even, let alone of a man who has died long ago."

Marcus also advises himself, in the *Meditations*, to beware of excessive reading. "Get rid of your thirst for books, if you don't want to die muttering, but with good grace, with a truthful and heartfelt gratitude to the Gods." A clear case of a book you do not need to waste time reading is Frank McLynn's *Marcus Aurelius*. It adds no new scholarly insight, and at almost seven hundred dense pages it is not a good use of your time. It is overfootnoted and under-thought. Life, as a Stoic should know, is too short. If you want to learn about this man who died long ago, your best bet in English is still the fine short biography by Anthony Birley, *Marcus Aurelius*. But better than either, in these hard times, is to return again to the *Meditations*. For all its fragmentariness, repetitions, clumsiness, and evasions, this extraordinary book is still capable of making one feel inspired to live through hardship with courage and joy, and to be always willing to change one's life. Sudden moments of pithiness fight even against Marcus's own tendencies to repeat and embellish: "Don't go on discussing what a good person should be. Just be one." ◆

Simon Blackburn
BEING AND TIME

HISTORY MAN:
THE LIFE OF R. G. COLLINGWOOD
By Fred Inglis
(Princeton University Press,
385 pp., $39.50)

This is a warm-hearted, affectionate biography of an irascible but brilliant philosopher and historian. It is a model of its kind—warm, supportive, and forgiving; and conceived, as the author says, as a minor riposte to the "moral hypochondria and sanctimonious recrimination" toward everything our ancestors in the twentieth century did. It is "a dramatisation of a certain kind of Englishman, his courage and colourfulness, his 'spots of commonness' (in George Eliot's phrase), the tragedy of his failure, the comedy of his vision."

Robin George Collingwood was certainly English enough, and even philosophers and historians can display kinds of courage, but I am not sure he would have worn those other epithets with quite such comfort. Collingwood wrote his own autobiography, but it displayed rather little comedy or commonness in his vision, though one can well imagine a thin-lipped, acidic smile as he skewered another of the idiots and impostors by whom he felt himself constantly surrounded. But by placing Collingwood in his context, Fred Inglis does much to rectify the slightly paranoid portrait of the autobiography. Even if Collingwood was not the jovial, beer-drinking common man that Inglis would have liked him to be, it is good to see him brought some way back to the human fold.

Collingwood grew up in a particularly enchanted corner of that fold. He was born and raised in the ineffably beautiful Lake District by artistic and musical parents, and surrounded by adoring sisters. Ruskin, to whom Collingwood's father acted as a kind of secretary, lived just down the road, so the importance of art and craft were woven into the entire life of the family. Ruskin made no dis-

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tinction between aesthetic beauty and moral excellence, and Collingwood's father had been a pupil of T. H. Green at Oxford, whose high philosophical ideals for thought and character set their stamp on an entire generation of students. So plain living and lofty thinking were part of the air that Collingwood breathed from infancy.

Collingwood's parents, both of whom were practicing painters, educated their children themselves in a home where, high-minded as they were, their lives still sound almost impossibly idyllic. A frequent guest was Arthur Ransome, whom they taught to sail in their boat, *Swallow*, which he later immortalized in that classic of childhood innocence, *Swallows and Amazons*. Collingwood divided his time between joyfully rambling the beautiful lakeland fells, joyfully sailing on Coniston water, joyfully picking up languages as easily as blackberries, and by the age of eight, puzzled but still joyful, dipping into Kant's *Prolegomenon to the Metaphysics of Morals* in his father's library.

This background had another consequence for the later philosopher. Collingwood tells us that he was naturally practical and dextrous, and all the painting and the sailing, together with his later archaeological digs in the many remains of Roman and Celtic Britain that dot the Lake District, gave him an entrenched admiration of muscular, working, problem-solving, practical affairs. He was touchingly, or annoyingly, vain of his capacity to identify a Roman shard, or fix a fouled anchor, or resurrect a dead engine. In a different environment, he might have become an engineer—as Wittgenstein, with similar gifts, did. Each of them was consequently to put the idea of practice and technique at the heart of their philosophies, albeit in very different ways.

Childhood could not last forever, and Collingwood was packed off to Rugby to be made into a decent chap. Although he later displayed little but contempt for this slice of his education, Inglis is surely right that, judging by the roll-call of able and admirable pupils it turned out, Rugby must have been first rate. It also penetrated far deeper into Collingwood than he may have wanted to acknowledge. He certainly developed the astonishing arrogance of the public school product of the time—but also a romantic attachment to the rituals, the tribal ceremonies, the symbolism of flags and chapels and memorial plaques and all the other idols and relics that cement the young together, and which later disposed him to his sympathetic and acute interpretation of the place of magic and religion in the lives of human beings. Public schools made (and still make) Anglicans, and this was fine by Robin George.

And so in 1910 to Oxford, classics and philosophy ("Greats"), and then World War I, which he survived in an appointment in Admiralty intelligence, deskbound in London. After the war he settled into the comfortable life that Oxford offered its married senior members. He wrote lots of books, quarreled with most of his contemporaries, positioned himself firmly outside mainstream philosophy (where the dolts and the idiots roamed), and fell in love with more than one pretty young student. At the same time he pursued a parallel career as a Roman historian and archaeologist. This culminated in the mid-1930s in a substantial contribution to the Oxford History of Britain, his book-length essay on "Roman Britain and the English Settlements."

Collingwood's cherished pose of being an outsider and prophet must have been ruffled somewhat when he was given one of Oxford's most prestigious academic appointments, the Waynflete Chair of philosophy, in 1934. Unhappily, during the remaining years until his death in 1943, his health gradually deteriorated under a series of small strokes. But during those years the works by which he will be remembered—*The Principles of Art; An Essay on Metaphysics*; *An Autobiography*; *The New Leviathan*; and the texts later published influentially as *The Idea of History*—followed one another with breathtaking rapidity. Even a jolly sail with some young students around the Mediterranean produced a book (and a very enjoyable one), *The First Mate's Log*, loyally published by Oxford University Press.

When Inglis talks of the tragedy of Collingwood's life, he may have had in mind the premature illness that closed it, or perhaps the disparity between Collingwood's conception of what needed to be done by philosophy and what he himself did. For at the end of *An Autobiography* Collingwood pitched himself as having vast projects to save Western civilization from itself. There is something very tweedy, and eventually slightly comical, in his brash confidence that if he could change a few minds in Magdalen and All Souls, then he could turn back the barbarians then overrunning Europe. But I think we should resist finding it either embarrassing or tragic. Collingwood was utterly sincere in his conviction that civilization could be saved only with the right ways of thinking and feeling, the right understanding of art and of history, and the right morals, and that all these were his to give. He might even have been right.

In London during World War I, Collingwood walked every day past Sir George Gilbert Scott's Albert Memorial, and by his own account it was this eyesore that first turned his mind toward serious questions of history and art:

> Everything about it was visibly misshapen, corrupt, crawling, verminous; for a time I could not bear to look at it, and passed by with averted eyes; recovering from this weakness I forced myself to look, and face day by day the question: a thing so obviously, so incontrovertibly, so indefensibly bad, why had Scott done it? To say that Scott was a bad architect was to burke the problem with a tautology; to say that there was no accounting for tastes was to evade it by a *suggestio falsi*. What relation was there, I began to ask myself, between what he had done and what he had tried to do? Had he tried to produce a beautiful thing; a thing I meant, which we should have thought beautiful? If so he had of course failed. But had he perhaps been trying to produce something different? If so he might possibly have succeeded. If I found the monument merely loathsome, was that perhaps my fault? Was I looking in it for qualities it did not possess, and either ignoring or despising those it did?

The passage is a fair specimen of Collingwood's rhetorical gifts, as well as his tendency to overkill—playing his own game, we might remark that it is not very intelligent to parse a possible aim of Scott's, to produce a beautiful thing, as the aim to produce something that Robin George Collingwood, strolling by fifty years later, should find beautiful. Scott might have been well able to suppose that future ages would not appreciate the true beauty of his work, as any of us who try to make things or words might fear.

One can sympathize with Collingwood's dislike of the monument, even if the Albert Memorial is not much worse than similar monsters by different Gothic Revival architects in Edinburgh or Manchester. And as Inglis properly notes, it is a pity that Collingwood never tells us what he eventually decided Scott had in fact been up to in making the thing. But in spite of raising such queries, the passage shows Collingwood pouncing on a vitally important point, and the one which gave him perhaps his life's central insight: you cannot tell what someone

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meant by looking at his artistic, or verbal, productions alone. You must "also know what the question was (a question in his own mind, and presumed by him to be in yours) to which the thing he has said or written was meant as an answer." This also gave him one of his central targets: philosophers who find it easy to yank a sentence from Plato, Leibniz, Hume, or whomever, and triumphantly demonstrate that it is false or meaningless or both, without paying any attention to the problem to whose solution it was intended as a contribution.

You understand someone, according to Collingwood, not in the way you might come to understand a piece of machinery or any other mechanical or causal process, but by "re-enacting" in your own mind the problem they were addressing and the solution they were proposing. The idea that you "put yourself in someone else's shoes," or in some sense simulate their own thinking yourself, is an old one: it was the aim of nineteenth-century thinkers such as Dilthey to distinguish the sciences of the mind from the sciences of nature precisely through this element of *verstehen*, or "understanding." And contemporary philosophy has kept hold of this idea, so the rivalry between "simulation theory" and the view that we have a kind of inbuilt theory of the minds of others, rather than an imaginative ability to enter their shoes, is very much a topic of current debate.

THIS IS JUST ONE case where much effort has been spent laboriously rediscovering insights that seemed to come to Collingwood quite effortlessly. Indeed, his whole philosophy of mind is remarkably modern. Gilbert Ryle, Collingwood's successor, was famous for his exorcism of "the ghost in the machine," his hostility to treating the problems of mind and body as if they concerned the relation of two things, one bodily and physical, and the other the ghostly self that somehow infused, inhabited, or animated the body. Ryle apparently did not notice that Collingwood preceded him: "the problem of the relation between body and mind is a bogus problem which cannot be stated without making a false assumption … for man's body and mind are not two different things. They are one and the same thing, man himself as known in two different ways." Collingwood denies the assumption that in our day continues to inform most attempts on the "problem of consciousness." For the difficulty does not lie with a metaphysics or ontology of mind: mind and its place in nature. It lies with understanding the two different epistemologies: the way we know about peoples' minds, as opposed to the way we know other things about them.

The only serious question is the relationship between the sciences of matter—physics, chemistry, physiology—and the ways we know our own minds, and those of others. We learn what thought is only by studying the way in which it can be attributed: in this respect, a correct epistemology of thought is the first requirement, preceding and in fact rendering unnecessary any metaphysical ruminations about mind and matter. To understand mind and its place in nature means first understanding mind and its place in mind. Collingwood calls this epistemology a theory of history, but it is what we call, with less dignity, a theory of folk psychology. He is quite clear that it is not only concerned with the remote past: "If it is by historical thinking that we re-think and so rediscover the thought of Hammurabi or Solon, it is in the same way that we discover the thought of a friend who writes us a letter, or a stranger who crosses the street"—and, he adds, our own thoughts of ten years or five minutes ago. Under the title of "interpretationism," this approach, too, is a mainstream contender in contemporary debates, although usually credited to the later Davidson rather than the earlier Collingwood.

We might notice as well Collingwood's account of self-consciousness, from *The Principles of Art*. Remarking that a child's first utterances are completely unaddressed, so that "one cannot describe them as addressed to the world at large or to itself," he continues:

> The discovery of myself as a person is the discovery that I can speak, and am thus a persona or speaker; in speaking I am both speaker and hearer; and since the discovery of myself as a person is also the discovery of other persons around me, it is the discovery of speakers and hearers other than myself.

I doubt if there has ever been so succinct and perspicuous a statement of the public nature of the self: my essential interdependence with the social world, the world of people whom I can understand and who can understand me by reciprocally owning, or re-enacting, our thoughts for each other; the discovery as well of ourselves as belonging to a community whose values and norms are not external impositions but part of the warp and woof of the persons that we are.

The integration of self and others that Collingwood here paints so deftly informed not only his philosophy of mind, but also his philosophy of art, history, morals and politics. When right-wing politicians say that there is no such thing as society, or when self-proclaimed followers of Adam Smith valorize atomistic self-interested economic individuals in their antagonistic relationships, Collingwood stands, sword in hand, forbidding their ascent from their private hell into the real human world.

Collingwood's philosophy of art is also an extraordinary resource, and here, too, he puts communication—a unity of thought between the artist and the audience—at the center. He quotes with approval Coleridge's dictum that we can tell a great poet because he makes us poets: in other words, we find, perhaps only with effort, that we can make the poet's words our own, and it is this unity that makes up understanding. Collingwood carefully separates art proper from art as craft, where there is a predetermined, independent aim to be achieved;

The Golden Road

On a September road I met my son
walking the other way. I had the hill
to climb; he was returning from a run.
    No surprises. He
    knew I was nearby,
as I knew he was. But precisely where
our paths might meet was a benign surprise.

The road was rutted, plastered with gold leaf.
Did our eyes, as we neared each other, meet?
More of a full-body recognition:
    this tall young stranger
    striding silently
around a bend, who paused on seeing me
(however I appeared) and then passed on.

Autumnal radiance thickened
by complications. memory, history—
nothing startling, in my mother's phrase.
    The gold road curves.
    The living pass the dead.
Old and young acknowledge one another;
then each takes their separate path ahead.

Oh Muse, peel off your dove-grey cardigan.
September, fallen leaves, and cool noon sun:
I rounded a gold curve and saw my son.

RACHEL HADAS

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and from art as amusement, where the function is to arouse an emotion so that an audience can indulge it; and from art as magic, where the aim is to facilitate some practice or stance toward the world, by the arousal of an emotion that aids it. Art proper is none of these. It is the expression of the way in which the artist feels and thinks about the subject, and in great art it is the imaginativeness, the truthfulness, and the rarity of those feelings and thoughts that overcome us. Collingwood's description of what is involved in communication, expression, imagination, and truthfulness has never been bettered. Even stripped of its context, his final sentence bears remembrance: "Art is the community's medicine for the worst disease of the mind, corruption of consciousness."

Although art as magic is not art proper, Collingwood accords it the greatest respect. He dismisses more brutally and contemptuously even than Wittgenstein the patronizing view, held by Frazer, Lévy-Bruhl, and other anthropologists of his time, that religion and magic simply amount to bad science, so that the "savage mind" is one lacking the most elementary knowledge of cause and effect. He also dismisses the ludicrous Freudian view that magic is a kind of neurosis in which the patient supposes that by wishing for a thing he can bring it about. Instead, Collingwood insists, surely correctly, that the end of magic is the raising and channeling of emotion: "magical activity is a kind of dynamo supplying the mechanism of practical life with the current that drives it." Its true purpose is not, say, to avert natural catastrophes, but to "produce in men an emotional state of willingness to bear them with fortitude and hope."

This attitude gave Collingwood an uncommon sympathy with religious ritual and practice, and a much more realistic understanding of its ongoing place in human life. He also enables us to see why the majority of people, including those like myself who have no religious attachments, are nevertheless embarrassed at the dogmatic contempt poured on religious practice by our more militant atheists. Every sane person recognizes at some level that dance, music, poetry, and ritual may be just what you need as you prepare to face a battle, or desolation, failure, grief, or death.

Most contemporary philosophers think of their subject in an entirely unhistorical way. They conceive of themselves as investigating things such as the nature of thought, or truth, or reason, or meaning. They wonder what a language, or a mind, or a world is that thought and reason and the rest are possible. This conception of the investigation is entirely "a priori": the problem would be the same as it perplexes us and as it perplexed Plato or Descartes. For Collingwood, this is all self-deception. What we may think of as a priori and timeless will be no such thing. It will be simply an application of the "absolute presuppositions" of our own period of thought. Those are the presuppositions that lie so far underneath the edifices we build that we cannot dig down to them. They remain invisible, if only because they would be at work determining the shape our digging would take, or what we could notice as we conducted it. We can never step on our own shadow. The only power that can reveal these presuppositions is that of time: later generations will see them, but we cannot. Myself, I find nothing shocking or surprising in this claim. The hiddenness of a presupposition is like the peculiarity of a fashion, obvious to subsequent generations but necessarily invisible to those whose fashion it is. When Hans van Meegeren forged paintings of Vermeer, he could deceive most of his contemporaries in the 1930s, but what he produced now look like 1930s paintings, even to an amateur eye. When Sir Arthur Evans meticulously and diligently reconstructed the Minoan palace at Knossos, it looked like a contemporary Hollywood film set, a fantasy of what Knossos might have looked like.

Collingwood hated the dominant philosophy of his time because of its unhistorical nature. It is not possible even to do science, in his view, without presupposing history, since it is only through their records and their results that scientists can pick up and profit from the labors of their colleagues. But in principle, at least, it is possible to be a good scientist, at the cutting edge of a field, with little historical sense. Philosophy, by contrast, is concerned with thought—and as we have seen, Collingwood held that you cannot identify a thought unless you know to what question it was supposed to be an answer. The history of philosophy is therefore not a somewhat downmarket curriculum option of no great interest to contemporary practitioners, just as the history of physics might exist alongside physics as something for retirement or bedtime. Instead Collingwood sees thought as something that is historically embodied: the idea of a worthwhile philosophy with no reflection on its own historical situation would be a contradiction. We can understand where we are only by understanding where we have been: how we got there, and the thoughts of those who would wish us to have got somewhere else.

If Collingwood is as acute and interesting as I have suggested, how does it happen that he is largely a minority interest? He has his devotees, certainly; but I doubt if he is more than a ghost in the footnotes to syllabi across the Western world. The comparison to Wittgenstein might help. It is difficult to pick up a page of Wittgenstein without being seduced: whether you understand it or not, the sense is overwhelming that something of the highest importance is being addressed with a rare detachment and intelligence. With Collingwood, there is assertion and bravado instead of seduction. Wittgenstein shows that he is a wonderfully and originally reflective thinker; Collingwood cannot help telling you that he is. Wittgenstein is silent about his being capable of other things as well; Collingwood boasts of it. You can read all of Wittgenstein without knowing of his genuine heroism during World War I. One cannot help feeling that had Collingwood done anything like that, it would have cropped up on every other page. All this is off-putting, and Collingwood's readers have to learn to shake their heads with a smile rather than toss the whole thing into the bin.

Given his idyllic background, the usual alibis for such insecurities—that they were induced by his mother and his father—do not seem to apply. (Wittgenstein's family, by contrast, seems to have been utterly dysfunctional, as the suicides of three of his brothers attest.) Collingwood did suffer a nasty knee accident at Rugby, which may have deprived him of some desirable public school kudos for excellence at games, but it would be an already insecure boy who let that give him an inferiority complex for the remainder of his days. The truth seems to be that he was utterly and completely confident in his intellectual abilities from childhood, and never saw any reason to conceal it. A lucky life, then, rather than an unlucky one, is the explanation for Collingwood's unattractive features—unless, as Aristotle thought, we cannot even call men lucky when they die, since we can be harmed after our death. I do not know whether Aristotle was right, but if he was wrong, then in most respects the neglect of Collingwood's thought may be our tragedy rather than his. ◆

ANTHONY RUSSO

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Washington Diarist

Mean Streets

Recently I was rummaging through the living mess of papers in my office—my *nachlass*, however hard-driven, will not be a hard drive—when I discovered a fading sheet I had not seen in decades. It was a copy of a letter that was given to me by a little man in the municipal hall in Hebron in 1980. I had traveled to Hebron to look into an incident that occurred a few days earlier on Purim, a triumphalist holiday on which Jews are enjoined to revel in inversions and to drink themselves out of their capacity to distinguish between good and evil. In the course of their bacchanal, some of the settlers at Beit Hadassah, the formerly Jewish house in the center of town that they were claiming for themselves, had opened their windows and urinated on Palestinians in the street below. The mayor of Hebron convened a public meeting for the victims of the abuse to tell their stories. It was there that the little man rose to express his grievance. To demonstrate the ugliness of what was done to him, he read from an old letter written in Hebrew on the stationery of a metalworking company in Jerusalem. It stated (this is my translation): "To Whom It May Concern: I the undersigned, Moses Joseph ben Jacob Ezra, born in Hebron, hereby declare that the family of Rajib Hassan Al Badr, with whom we lived in the same quarter in Hebron, protected my family in [the riots of] 1929 and again in [the riots of] 1936, and until 1947, while we were still in Hebron, we enjoyed good neighborly relations and constant protection by the Al Badr family generally. I would be deeply grateful for any human assistance that might be extended to them." So it was the scion of that good and brave family whom the yarmulked hooligans had soiled. I remembered this wrenching document a few weeks ago when *Yedioth Ahronoth* posted a video on its website of a Purim party in Sheikh Jarrah, an Arab neighborhood in East Jerusalem, at which religious militants boorishly sang a song of praise to the memory of Baruch Goldstein, who slaughtered twenty-nine Palestinians at the Cave of the Patriarchs in Hebron: "Dr. Goldstein. Dr. Goldstein, there is no one like you in the whole world." The stone house in which the punks dishonored their tradition with an anthem to murder had recently belonged to the El Ghawis, a Palestinian family that was expelled from it last August.

Sheikh Jarrah is a place with a run-down but real magic, rather like Naples. You can still see the glory beneath the grime, the fine imperial picturesque—the porticos and the gardens of old Palestine, the material elegance of the Muslim gentry in the calm between the storms. There is a mosque at the tomb of a medieval Muslim saint named Hussein ibn Isa Al Jarrah, and nearby it is the tomb of Simon the Just, the high priest in Jerusalem around 200 B.C.E. and according to legend the founder of the Jewish liturgy, whose sacerdotal splendor was described swooningly by Ben Sira; and there is the Shepherd Hotel, a grand villa built by the mufti of Jerusalem, once inhabited by George Antonius, and in the 1980s acquired by a rich Jewish bingo-king in Florida for the purpose of expelling Palestinians from the area and installing Jews; and there is the American Colony Hotel, whose bougainvillea has often given me asylum from the respective fervors of my brothers and sisters in the western part of the city. In 1948, Arab forces in Sheikh Jarrah ambushed a convoy of Jewish doctors and nurses on their way to the hospital on Mount Scopus and committed a massacre. Sheikh Jarrah came under Israeli control in 1967, and a few years later Jewish groups went to court with old Jewish deeds to various properties, even though no Jews had lived there since 1948. The court upheld their ownership, but ruled that the Palestinians who resided there could remain as long as they paid rent. The Palestinian families disputed the authenticity of the Jewish documents, and refused to pay. They were finally evicted this past year, and the drunken disciples of Dr. Goldstein moved in.

The dream of reversing history has been a cause of both greatness and depravity. It is right for people not to acquiesce in their own wretchedness, to reject all the quietisms and the fatalisms that teach them to do nothing for themselves. Zionism owed its moral and historical force in large measure to its refusal to accept the irreversibility of Jewish exile, and its attendant misery; and the national self-reliance now exemplified for the Palestinians by Salam Fayyad—in a culture of *jusqu'auboutisme*, the technocrat is the revolutionary— represents a similar refusal of historical passivity. But not everything can, or should, be reversed. Sometimes there is wisdom also in acceptance, and in the power that it confers to move on. In the name of justice, one may destroy peace, and forget that peace, too, is an element of justice. The idea of beginning again is often a savage idea. Since the Palestinian right of return, and its premise that restoration is preferable to reconciliation, would undo the Jewish state, Israel is right to deny it. But if, in the name of moral realism, and so that they do not delude themselves with catastrophic fantasies of starting over, Palestinians are not to be granted a right to return to what was theirs before 1948, then neither should such a right be granted to Jews. When Jews fled Sheikh Jarrah, they fled to a Jewish state, which should have been worth the loss of their property; and the same would have been true of the Palestinians, if their Arab brethren had allowed the state of Palestine to come into being. But the lunatic Jews who insist that a Jew must live anywhere a Jew ever lived do not see that they, too, are re-opening 1948 and the legitimacy of what it established. Why does the Israeli government allow the argument for a unified Jerusalem to be mistaken for the heartless revanchism of these settlers? Whatever arrangements about Jerusalem are eventually made in a peace agreement, and I no longer expect to see one in my lifetime, Jerusalem will remain both the capital of Israel and a demographically mottled city. It makes no sense to show contempt for the people with whom you are destined to live. It is not only cruel, it is stupid. So the dispossession of the El Ghawis is a disgrace. And a Jewish disgrace, because it was Simon the Just, the legendary leader buried in an ancient cave not far from the El Ghawis' house, who famously taught that one of the things which supports the world in existence is the practice of kindness.

Leon Wieseltier

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